

County of Loudoun
Department of Planning
MEMORANDUM

DATE: October 2, 2009
TO: Ginny Rowen, Project Manager
FROM: Sarah Milin, Senior Planner
Division of Community Planning

**SUBJECT: ZMAP 2002-0017, SPEX 2008-0026 & SPEX 2008-0027, Parc Dulles II
4th Referral**

In response to your memo dated September 10, 2009, Community Planning staff has reviewed the August 31, 2009 submission for Parc Dulles II. This referral provides you information regarding the outstanding issues associated with this application. Please note that only those issues that are associated with specific changes to the application since the previous review are discussed in detail below. More detailed policy discussion can be found in Community Planning's second referral dated April 29, 2009. Staff continues to recommends denial of the application due to inconsistencies with the land use and economic development policies of the Revised General Plan.

OUTSTANDING ISSUES

1. Land Use

The proposed development is inconsistent with the Plan's vision for properties within the Route 28 Tax District that are designated for Keynote Employment development. For a complete analysis of this issue, see Community Planning's second referral.

2. Public/Civic Uses

Proffer VI.B includes the dedication to the County of 3.3 acres for a public use site, in compliance with the Plan's land use mix for public/civic uses within high-density residential communities. The proffers further specify that this site shall be available first for the development of a fire/rescue station; if the Department of Fire, Rescue and Emergency Management choose not to use this site, then it shall be available for park use. Staff notes that if this area is developed as a park, then it would be considered a public park and open space and the proposal would not comply with the Plan's land use mix for public/civic uses. The only use that would then meet the Plan's definition of a public and civic use would be the 8,000 square foot bathhouse/clubhouse/community center specified in Proffer VIII.B.

Staff continues to have concerns about the size and layout of the proposed fire and rescue site and recommends further discussion regarding measures that may be needed to mitigate impacts from the proposed station on the immediate residential uses.

3. Public Parks & Open Space

The response letter includes an Open Space Plan (pg. 19) depicting the proposed open space areas within the proposed development as interior versus perimeter open space. The response letter indicates that the exhibit provides area measurements for all open spaces; however, such information has not been provided. No specific changes have been made to the application in response to staff's previous recommendations. Staff finds that the project does not fully conform to the public parks & open space policies of the Revised General Plan for high-density residential communities in terms of total and interior open space. For a complete analysis of this issue, see Community Planning's second referral.

In order for all the proposed open space areas to count towards the project's overall open space calculations, staff recommends that the side and rear buffer yards be redesigned as more useable open spaces (for example, as pocket parks or landscaped gardens that are at least 2,500 square feet in size) and a commitment provided that both BMP facilities will be wet year-round and developed with adjacent amenities such as gazebos, picnic areas and/or walking paths.

Staff also recommends that Proffer VIII.B be strengthened to specify that a tot lot playground will be multi-age and equipped with benches and that amenities will be provided in the vicinity of both BMP facilities (for example, 200 minimum square foot gazebo and/or picnic areas of a certain capacity).

Lastly, staff recommends that more interior open space, consistent with Plan policies, be provided. The proposed community green and tot lot, currently along the eastern edge of the site and surrounded by residential buildings on three sides, should also be relocated to a more open and central location on the site where it can better serve as a focal point/community gathering area for the entire development.

4. Phasing & Office Commitments

Proffer I.2.b has been revised to specify that the maximum allowed development within the PD-CC-CC zoning district will consist of the following uses: 17,000 sq ft for the public use site; up to 60,000 sq ft for non-office PD-CC(CC) uses; and up to 100,000 sq ft for office uses permitted in the district and permitted pursuant to SPEX 2008-0027. According to the response letter, the amount of retail that can be developed has been

capped at 60,000 sq ft to ensure that the remaining 40,000 sq ft must be developed as office use for that commercial yield to be realized. This commitment, which relies on the non-residential component to be built out to its full extent, is insufficient given the site's Keynote Employment designation. A phasing plan that assures the concurrent development of residential and non-residential uses would provide greater assurances that the proposed office component will be realized. Staff notes that the Statement of Justification (pg. 19) states that Parc Dulles II will be "built-out" in a single stage over a period of 18 months, facilitating such a commitment.

Staff recommends that the proposal provide stronger commitments that office development will occur on the southern end of the property by committing to the development of at least 40,000 square feet of office uses and/or a phasing plan that ensures the concurrent development of residential and non-residential uses.

5. Residential Buy-out of the Route 28 Tax District

A specific monetary sum has not yet been provided in the proffer statement.

Staff defers to the County's Department of Management & Financial Services to determine an appropriate Route 28 Tax District buy-out payment.

6. Existing Conditions

Staff defers to the Environmental Review Team to make specific recommendations regarding commitments related to the Stream Valley Plan, stormwater management and water quality, wetlands mitigation, steep slopes, and Tree Conservations Areas (TCAs). Staff requests information regarding whether the Virginia Department of Game and Inland Fisheries has been contacted regarding this proposal, consistent with the recommendation in the Virginia Department of Conservation and Recreation's letter dated June 8, 2009.

7. Site Design Commitments

Proffer I.A.1.b states that residential buildings and the community center facilities shall be designed and constructed with the same quality as Parc Dulles I.

Staff recommends that the application commit to a variety of residential building types as well as appropriate screening of trash collection areas and mechanical equipment. Staff also recommends the application commit to site design elements that will help ensure a vibrant, vertically-mixed environment within the PD-CC(CC) district as alluded to in the application materials.

8. 10-foot Wide Shared Use Path along Nokes Boulevard

The Applicant's response letter indicates that an 8-foot asphalt trail will be provided along Nokes Boulevard; however, staff cannot locate such a commitment either in the proffer statement or the rezoning plat. Additionally, the Bike/Ped Plan envisions that

major collectors and minor arterials should under most circumstances be equipped with 10-foot wide trails (*Bike/Ped Plan, Table 4-1, pg. 29; text, pg. 42; and AASHTO's Guide for the Development of Bicycle Facilities*).

Staff recommends that the application commit to providing a 10-foot wide asphalt trail along Nokes Boulevard. If an 8-foot trail is to be provided, then additional information should be provided to justify the reduced width using criteria contained in AASHTO's Guide for the Development of Bicycle Facilities.

9. 10-foot Wide Shared Use Path along City Center Boulevard

The response letter indicates that the Applicant believes that a 5-foot sidewalk along City Center Boulevard is the maximum width that can be accommodated due to the significant grade differential created when the road was constructed. City Center Boulevard is designated in the Bike/Ped Plan as a baseline connecting roadway, which is a priority area for bicycle and pedestrian facilities in the County given that they connect key destinations and serve major population and activity nodes. The provision of a 5-foot sidewalk along this important roadway is inconsistent with this vision.

Staff recommends further discussions regarding appropriate facilities along City Center Boulevard. If a wider trail cannot be provided for engineering reasons, then the Applicant should consider providing a dedicated bike lane or some other means to improve and facilitate bicycle and pedestrian travel along this roadway.

10. Crosswalks

Numerous crosswalks are shown on Sheet 4 of the Rezoning Plat at appropriate locations throughout the development.

Staff recommends a commitment that the crosswalks that will be provided will be enhanced facilities, such as raised crosswalks and/or changes in textures, patterns and colors to distinguish between pedestrian and vehicular movement.

11. Bicycle Parking

Proffer VIII.A commits to the provision of a minimum of four bike racks on the property in locations selected by the owner.

Staff recommends that the application provide stronger commitments regarding bicycle parking. An appropriate commitment could include the installation of bicycle storage facilities (rather than racks) providing secure and covered parking that is located convenient to residential buildings for a specified number of bicycles. At a minimum, the application should specify the minimum capacity of the bike rack.

12. Unmet Housing Needs

No changes to the application have been included in response to staff's previous comments. The Applicant's response letter states that the rental rates for the existing apartment complexes – Remington and Parc Dulles – are generally between 95 and 120% of AMI and therefore the entire project helps address unmet housing needs because it balances the Loudoun market which is heavily weighted to single family homes. However, the County's Unmet Housing Needs policies recognize that the largest segment of unmet need is housing for incomes below 30% AMI (Revised General Plan, as amended by CPAM 2007-0001, *Countywide Housing Policies, Guiding Principles Policy 14*). Staff notes that a recently approved application proposing a similar number of high-density residential units (ZMAP 2008-0007, Fairfield at Ryan's Corner) committed to providing both a greater percentage of Affordable Dwelling Units (ADUs) that required by the Zoning Ordinance as well as three multifamily units that will be available to renters within the 0 - 30% AMI income bracket.

Staff recommends that the application commit to providing a mix of Affordable Dwelling Units (ADUs) that are dispersed throughout the community. It would be appropriate if the size of the ADUs (i.e., 1, 2, or 3-bedroom units) being provided are proportionate to the proposed market rate units.

Staff further recommends that in addition to ADUs, the Applicant provide a commitment that addresses the full spectrum of unmet housing needs, recognizing that within the rental market the greatest need is for households whose income is 0% to 30% of the Area Median Income (AMI). Providing actual units rather than a cash contribution would be preferred given that locating affordable housing near transit stations, such as the one planned on the Dulles Town Center property, is critical to providing affordable lifestyles for low and moderate-income families who may be particularly transit-dependent.

Staff also encourages the Applicant to consider incorporating housing for special needs populations as well as universal design principles into the project.

13. Capital Facilities

Staff continues to recommend that the total impacts on capital facilities of the proposed residential development be mitigated based on the CIFs adopted by the Board of Supervisors on July 21, 2009. The Capital Facilities Impact Analysis that was revised on August 11, 2009 is attached (Attachment 1). For additional discussion of this issue, see Community Planning's second referral.

14. Open Space Preservation Program

Staff continues to recommend that the Applicant provide a more substantial open space preservation contribution (Attachments 2 and 3). For additional discussion of this issue, see Community Planning's second referral.

ATTACHMENTS

- Attachment 1: Capital Facilities Impact Analysis
- Attachment 2: Open Space Preservation Program Analysis – Residential
- Attachment 3: Open Space Preservation Program Analysis – High-Density Residential

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Program Manager, Community Planning – via e-mail

Attachment 1- Capital Facilities Impact Analysis (Eastern)
ZMAP 2002-0017, SPEX 2008-0026 & SPEX 2008-0027, Parc Dulles II

TOTAL PROJECTED CAPITAL FACILITIES IMPACT

The total projected capital facilities impact of the proposed development is calculated using the approved capital intensity factors for the proposed unit mix. Revised Capital Intensity Factors (CIFs) were adopted by the Board of Supervisors on July 21, 2009.

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Capital Intensity Factors</i>	<i>Projected Capital Facilities Impact</i>
Single-Family Detached (SFD)	0	\$59,470	\$0
Single-Family Attached (SFA)	0	\$40,385	\$0
Multi-Family (MF)	445	\$23,758	\$10,572,310
TOTAL	445		\$10,572,310

445 Total Units \$10,572,310 Total Projected Capital Facilities Impact

ANTICIPATED CAPITAL FACILITIES CONTRIBUTION

The anticipated capital facilities contribution of the proposed development takes into account Affordable Dwelling Units (ADUs) and the number of units permitted by the base density. According to a resolution passed by the Board of Supervisors on February 15, 2005, the base density and base unit type of a type of property should be calculated using the current zoning of the property.

1. Number of Market Rate Units Subject to Capital Facilities Proffer Guidelines

<i>Housing Type</i>	<i>Total Number of Units</i>	<i>Number of Proposed ADUs</i>	<i>Number of Market Rate Units</i>
Single-Family Detached (SFD)	0	0	0
Single-Family Attached (SFA)	0	0	0
Multi-Family (MF)	445	28	417
TOTAL	445	28	417

2. Capital Facilities Calculations for Market Rate Units

<i>Housing Type</i>	<i>Total Number of Market Rate Units</i>	<i>Capital Intensity Factors</i>	<i>Capital Facilities Calculations for Market Rate Units</i>
Single-Family Detached (SFD)	0	\$59,470	\$0
Single-Family Attached (SFA)	0	\$40,385	\$0
Multi-Family (MF)	417	\$23,758	\$9,907,086
TOTAL	417		\$9,907,086

3. Capital Facility Credit for Base Density Units assuming Single Family Detached Dwellings

<i>Zoning District</i>	<i>Acres</i>	<i>Density Permitted By-right (du/acre)</i>	<i>Base Density Units</i>	<i>Capital Intensity Factor</i>	<i>Capital Facility Credit for Base Density Units</i>
PD-IP	34.10	0	0	\$59,470	\$0
TOTAL			0		\$0

4. Anticipated Capital Facilities Contribution

\$9,907,086 - \$0 = \$9,907,086

\$9,907,086 Anticipated Capital Facilities Contribution

Attachment 2 - Open Space Preservation Program Analysis
ZMAP 2002-0017, SPEX 2008-0026 & SPEX 2008-0027, Parc Dulles II

Based on the Open Space Proffer Guidelines of the Revised General Plan, "residential densities above 3.5 and up to and including 4.0 dwelling units per acre may be considered by the County in return for voluntary participation in the open space preservation program." The Plan provides guidelines for the location and types of open space desired to be provided or purchased with cash in lieu on a per unit basis (Revised General Plan, Chapter 11, Open Space Guidelines). For residential neighborhoods, 1.0 easement is anticipated for every dwelling unit over a density of 3.5 du/acre.

1. Number of Units Permitted at 3.5 du/acre					
21.70	acres	x	3.5	=	75.95
2. Number of Units Subject to Open Space Proffer Guidelines					
445	-	75.95	=		369.05
3. Exempt Affordable Dwelling Units					
369.05	-	28	=		341.05
5. Total Units Linked to Open Space Preservation =					341.05
6. Accepted Contribution Range: \$3,800 to \$5,000 per Easement					
\$1,295,990	to	\$1,705,250			

County of Loudoun
Department of Planning
MEMORANDUM

DATE: April 29, 2009
TO: Ginny Rowen, Project Manager
FROM: Sarah Milin, Senior Planner
Division of Community Planning

**SUBJECT: ZMAP 2002-0017, SPEX 2008-0026 & SPEX 2008-0027, Parc Dulles II
2nd Referral**

BACKGROUND

DTC Partners, LLC is requesting approval to rezone approximately 34.1 acres from the PD-IP (Planned Development – Industrial Park) zoning district to PD-CC(CC) (Planned Development – Community Commercial Center) and R-24 (Multi-family Residential) in order to develop up to 445 multi-family residential units and 117,000 square feet of commercial uses. The Applicant is also requesting Special Exceptions to locate a fire and rescue station on the subject site (SPEX 2008-0026) and to allow office uses exceeding 20% of the total floor area within the PD-CC(CC) district (SPEX 2008-0027). The subject site is located within the 554-acre master planned community known as Dulles Town Center at the northeast intersection of City Center Boulevard and Nokes Boulevard. It is governed under the 1993 Loudoun County Zoning Ordinance and is located within the Route 28 Highway Transportation Improvement District ('Route 28 Tax District'). The proposed rezoning would convert the site to the Revised 1993 Loudoun County Zoning Ordinance.

According to the Statement of Justification, this proposal will incorporate into the Dulles Town Center community an additional high density residential component along with appropriately scaled office and retail uses as well as a fire and rescue station. Dulles Town Center has been developed to date with a regional mall, a restaurant park along Nokes Boulevard and Atlantic Boulevard, a limited service hotel (the Courtyard by Marriott), three residential communities (the Colonnade at Dulles Town Center with 156 single family attached dwelling units, the Remington at Dulles Town Center with 406-unit multi-family apartment units, and Parc Dulles I with 393-unit multi-family apartment units), a day care facility along City Center Boulevard, a 'Class A' office building on Route 28 comprising approximately 185,000 gross square feet, and a flex industrial/office building south of Nokes Boulevard with approximately 99,000 gross square feet. The site that is the subject of this land development application is located in

the southeast corner of the Dulles Town Center property. Uses immediately surrounding the site include Haverty's Furniture to the east, Parc Dulles I to the north, Loudoun Tech Center to the east, and the Corporate Office Park at Dulles Town Center to the south (Figure 1).

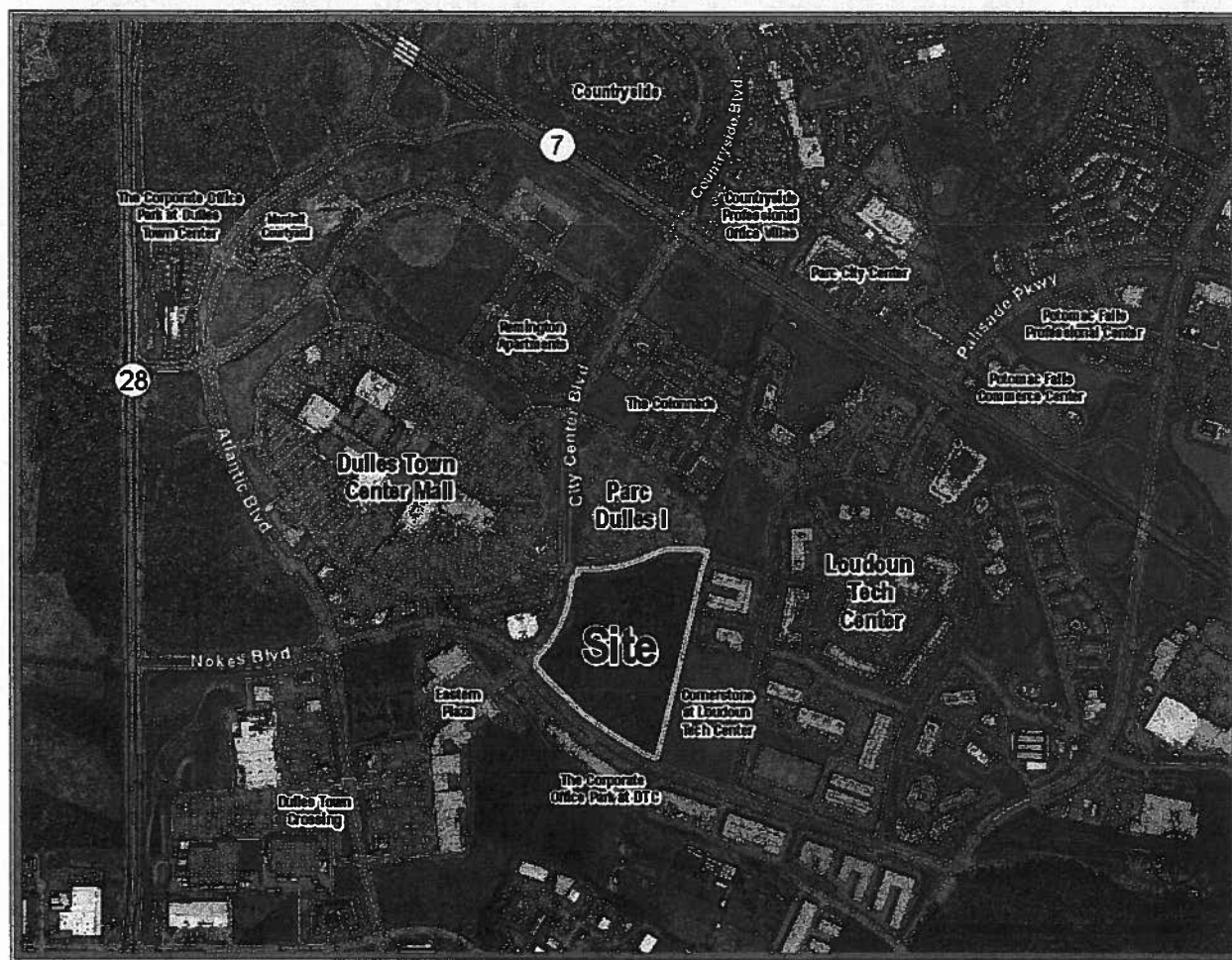


Figure 1. Vicinity Map

Although located within the Dulles Town Center property, the subject site is not subject to the original Dulles Town Center concept development plan and proffers (ZMAP 1990-0014, SPEX 1991-0043, and SPEX 1991-0045) which applied to approximately 331 of the total 554 acres and was approved by the Board of Supervisors on December 17, 1991. Two Special Exceptions have been previously approved for the site permitting up to 40% office uses at a maximum intensity of 0.40 FAR (SPEX 1982-0026 and SPEX 1990-0071).

This application was first submitted in 2002 as the Falls at Dulles Town Center (ZMAP 2002-0017) and proposed the development of a residential community with 599 multi-

family units at an overall density of 17.6 dwelling units per acre, a pool and clubhouse, a playground, and a series of town and pocket green spaces. This application was heard by the Planning Commission on May 17, 2004 and discussed thereafter. It was recommended that this project be considered in relation to a revised Dulles Town Center Master Plan, which was not fully developed at that time. Since the original submission, the Applicant has proceeded with master planning efforts for the full 554-acre Dulles Town Center property by submitting land development applications for approximately 198 acres of vacant Dulles Town Center property (ZMAP 2007-0001 and ZCPA 2007-0001) located north and west of the subject site (see Figure 3 on pg. 4). These applications are currently being reviewed by the County. With regards to this application, since the original submission the Applicant has reduced the total number of dwelling units proposed for the 34-acre subject site to a total of 445 units at an overall density of 13 dwelling units per acre, added a community-oriented retail/office component containing 100,000 square feet along Nokes Boulevard, and incorporated a public use site - a fire and rescue station.

The Applicant has responded to Community Planning's referral dated June 18, 2008 by submitting a response letter, a revised draft Proffer Statement, and revised Concept Development Plan (CDP) and Special Exception plats. In the previous referral, staff found that the proposed development was not consistent with the subject property's Keynote Employment designation. Staff does not support the proposed residential component and recommends that the project be developed with large-scale office uses supported by ancillary retail and personal services, public and civic uses, and open space. Because the Applicant is continuing to pursue the proposed development of a multi-family residential community on the property, staff is providing additional analysis and comments for consideration should this application move forward. Below is a discussion of the outstanding issues.

OUTSTANDING ISSUES

1. LAND USE

The subject property is located in the Sterling Community of the Suburban Policy Area near a key intersection of two of the County's premier business corridors – Route 7 (Harry Byrd Highway) and Route 28 (Sully Road) (Revised General Plan, Chapter 4,

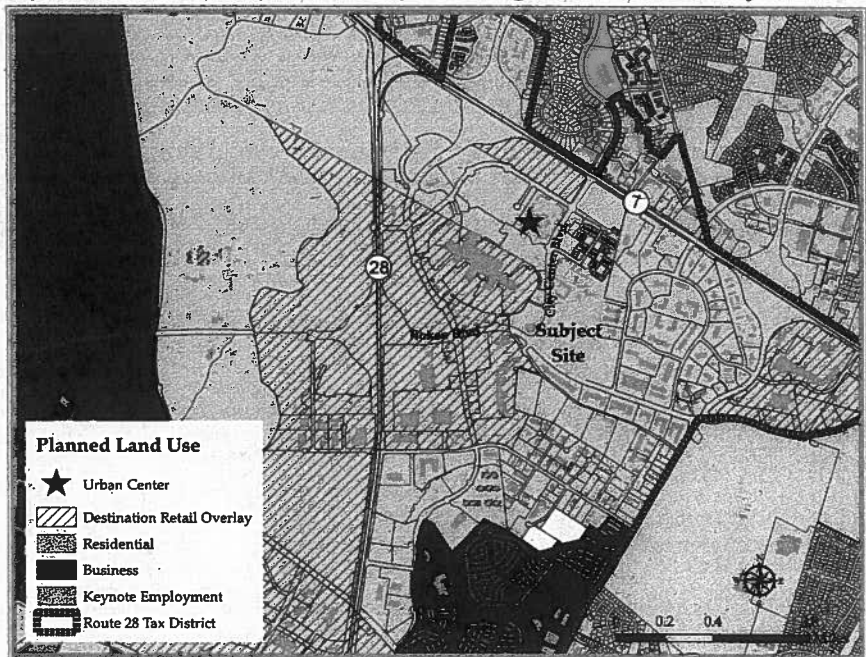


Figure 2. Planned Land Use Map

Business Land Use and Corridor Development text). The County targets properties, including the subject site, along Route 7, Route 28, and the Dulles Greenway for Keynote Employment developments in order to promote economic development along these key business corridors (Figure 2) (*Revised General Plan, Chapter 6, Keynote Employment Centers text and Chapter 7, Planned Land Use map*). Keynote Employment Centers are intended to be "100-percent premier office or research-and-development centers supported by ancillary retail and personal services for employees" (*Revised General Plan, Chapter 6, Keynote Employment Centers text*). They include office parks, research and development parks, corporate headquarters, and similar uses of a large scale that range in intensity from 0.40 to 1.0 FAR (Floor Area Ratio) (*Revised General Plan, Chapter 6, Suburban Policy Area Land Use Matrix*). Residential land uses are not envisioned within Keynote Employment centers (*Revised General Plan, Chapter 6, Keynote Employment Centers text*).

In the June 18, 2008 Community Planning referral, staff found that the type of development proposed in this application (namely a multi-family apartment complex with a community-oriented retail/office component) was not consistent with the site's Keynote Employment designation. Staff recommended that the application be revised to provide 100% large-scale office uses supported by ancillary retail and personal services along with the appropriate amount of public and civic uses as well as public parks and open space. Staff does not support any residential development on the site.

Staff in the first referral also discussed the Applicant's Statement of Justification, which states that the Keynote Employment Center, Destination Retail, and Urban Center land

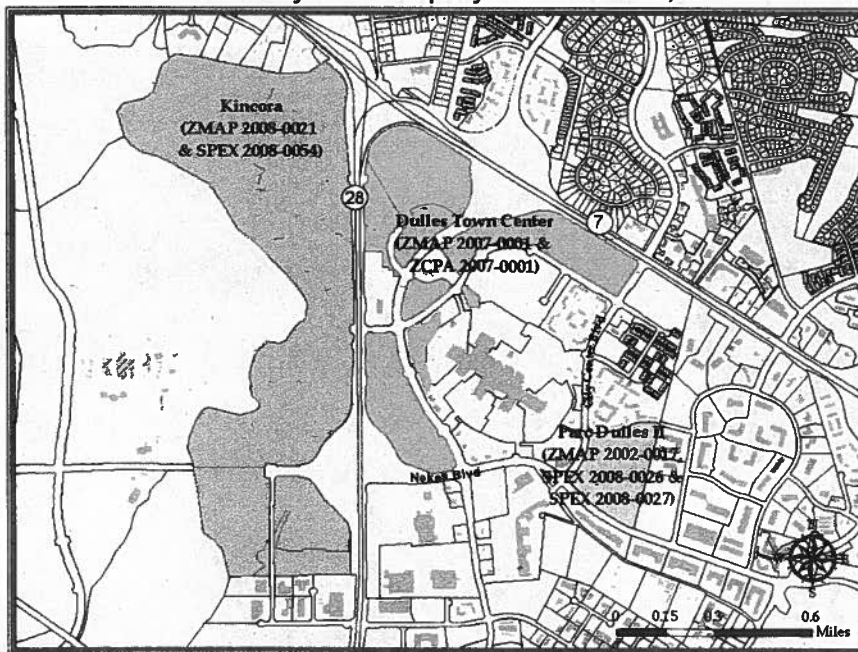


Figure 3. Major Active Legislative Applications in Vicinity of Site

use policies of the Revised General Plan govern the development of the subject property. The Applicant asserts that the Dulles Town Center area is in fact evolving into the type of Urban Center envisioned by the Plan and that the proposed application should be reviewed under the Urban Center rather than the Keynote Employment policies. The Applicant cites as evidence their submission of a land development application (ZMAP 2007-0001 & ZCPA 2007-0001 – Dulles Town

Center) proposing land use changes within an area north and west of the existing Dulles Town Center mall on what is mostly vacant land (Figure 3). According to the Applicant, these two applications taken together provide a cohesive plan for the Dulles Town Center area that establishes the Keynote Employment area for the quadrant to be west of Atlantic Boulevard with the Urban Center to the east.

The Revised General Plan does anticipate the development of one intensive, large-scale, mixed-use Urban Center in the Suburban Policy Area at the southeast quadrant of the Route 7/Route 28 interchange which is intended to evolve from the current shopping/mixed-use center (designated by a star on the Planned Land Use map) (Revised General Plan, Chapter 6, Urban Center Policy 1). The Urban Center is envisioned to be between 50 and 90 acres in size, include both residential and non-residential uses that are vertically integrated, and feature well-configured squares and greens, a traditional network of landscaped streets with frontages dedicated to social, recreational and visual enjoyment of the pedestrian as well as the motorist, a rectilinear pattern of small blocks, and the location of civic buildings that act as landmarks and symbols of community identity (Revised General Plan, Chapter 6, Urban Center Policies 4 & 8 and Chapter 11, Urban Center Design Guidelines).

Staff found in the first referral that Plan policies do not support the Applicant's rationale for evaluating this application against the Urban Center policies contained within the Revised General Plan for the following reasons:

- The Applicant's statement that the Urban Center should include all areas of Dulles Town Center east of Atlantic Boulevard would mean a high-intensity, mixed-use center of over 400 acres or more.
- The Applicant's reasoning that the Urban Center should be planned at a much greater scale than that recommended in the Plan is in direct contradiction with their own statements contained within their Dulles Town Center rezoning application (ZMAP 2007-0001 & ZCPA 2007-0001) whereby the Applicant is stating that the conversion of the existing planned town center core into an Urban Center (approximately 73 acres) meets the recommended size as defined by the Revised General Plan.
- The Applicant cannot infer that the Keynote Employment area for the southeast quadrant of Routes 7 and 28 are to be west of Atlantic Boulevard when the policies of the Revised General Plan state otherwise.

The Applicant has responded by stating that an overarching goal of the planning for Dulles Town Center is to ensure that the planned amount of office space is not diminished, even as a richer, more varied and dynamic land plan is created. The response letter further states that the Parc Dulles II application supports this effort to maintain the currently planned amount of office space and locate it in the planned Urban Center; in other words, by not developing the allowed 500,000+ square feet of non-residential space on the subject property, that same amount of space can be

incorporated into the Urban Center as part of the Dulles Town Center rezoning application without dramatically increasing the amount of commercial space currently approved. However, during review of the second submission of the Dulles Town Center application (ZMAP 2007-0001 & ZCPA 2007-0001), Community Planning staff raised several concerns regarding the proposed employment component. Specific comments included that the most recent submission reduced the maximum office development within Land Bay TC-1 by 525,000 square feet; that Land Bay E, adjacent to Route 7, should be reserved for office development rather than the multi-family residential that was proposed; and that the application should commit to (1) minimum FARs for the proposed office component, (2) a vertical mixture of uses (i.e., residential over retail and office), and (3) a phasing plan that ensures that the employment uses will remain the principal use in each phase of development. Staff also notes that the proposed Dulles Town Center project maintains the same amount of office potential approved per the original rezoning (ZMAP 1990-0014, SPEX 1991-0043, and SPEX 1991-0045), but does not appear to include the additional 500,000+ square feet of non-residential space that is anticipated on the subject property as the Statement of Justification for this application asserts.

Staff maintains that this proposal should be evaluated under the Keynote Employment land use policies of the Revised General Plan rather than the Urban Center policies as the Applicant has suggested. The Plan does not intend that the entire 554-acre Dulles Town Center property will evolve into an Urban Center; instead, the Plan limits to the size of the Urban Center to between 50 and 90 acres in order to achieve its development as a compact, pedestrian-oriented, and vertically integrated community. The Applicant in the Dulles Town Center application (ZMAP 2007-0001 & ZCPA 2007-0001) has defined a specific area of the Dulles Town Center property in which the Urban Center will develop, namely proposed Land Bays TC-1 and TC-2. The subject property is not adjacent to this area nor is the project proposed in this application a logical extension of the proposed Urban Center (for instance, by continuing the higher density, vertically-integrated, urban environment onto the subject property). The single-use residential buildings that are proposed as the dominant type of development on the subject property do not advance the Plan's vision for the Urban Center. Staff also notes that although the subject property is adjacent to the existing residential development at Parc Dulles, it is surrounded on three sides by non-residential development: the Cornerstone at Loudoun Tech Center immediately to the east (planned for three office buildings totaling 235,000 square feet), the Corporate Office Park at Dulles Town Center to the south, and the existing retail development at Dulles Town Center mall to the west. Developing the subject site with Keynote Employment uses would be compatible with these existing and planned surrounding uses.

The development of residential uses on the subject site is also contrary to Plan policies governing properties within the Route 28 Tax District. The Tax District was formed in 1987 to finance surface transportation improvements along Route 28 in both Fairfax and

Loudoun counties. The Plan states that the County supports and is committed to the continuing growth of and need for an economically vibrant Route 28 Tax District, both for the District's contribution to the transportation improvements to Route 28 and to the economy of the County (Revised General Plan, Chapter 4, Business Land Use and Corridor Development, Route 28, text). Residential development within the tax district is limited by Plan policy to the Old Sterling Planning Area, the Oak Grove area, and the Eden Tract and Loudoun Village properties as well as areas designated for high-density residential on the Planned Land Use Map (i.e., Victoria Station and Pearson Reserve) (Revised General Plan, Chapter 6, Residential Policy 3 and High-Density Residential Policies 1, 2 & 5). The subject site is not located within one of these areas where residential development is permitted. Rezoning property located in the Route 28 Tax District, as proposed, to R-24 will reduce the potential for future industrial and business growth in the tax district.

The Department of Economic Development in their June 16, 2008 referral also encouraged the Applicant to retain this site for commercial development with the emphasis on office and flex development and not remove valuable commercial land from the Route 28 Tax District. The Department further stated that removal of land from the tax district is a serious concern and negatively impacts the overall district. Staff notes that the site is currently zoned PD-IP per the 1993 Loudoun County Zoning Ordinance. Converting the subject site to the Revised 1993 Loudoun County Zoning Ordinance, which has been amended to include office uses as permitted uses within the PD-IP zoning district, is a reasonable use of the property and would be consistent with its Keynote Employment designation. The current zoning not only provides for a reasonably viable economic use of the property, but is also preferable to the proposed R-24 and PD-CC(CC) zoning districts from an economic development standpoint.

The proposal is not in compliance with the land use policies of the Revised General Plan, which envision the site to develop with 100% large-scale office uses supported by ancillary retail and personal services, along with the appropriate amount of public/civic and parks/open space. Residential uses should not be included within the land use mix given the site's Keynote Employment designation and its location within the Route 28 Tax District. Staff recommends denial of the application as proposed.

Staff also recommends that the Statement of Justification (pg. 7) be revised to reflect that the Destination Retail Overlay policies of the Revised General Plan do not apply to the site. The boundary of the Destination Retail Overlay is located west of the site (Figure 2).

Staff provides the following comments for consideration should this application move forward.

2. LAND USE MIX

The Revised General Plan provides direction regarding the overall land use mix ratios recommended for different types of developments in the County (Table 1). Because the proposal is more closely aligned with the Plan's vision for High-Density Residential community¹ rather than a Keynote Employment Center, the project should comply with the land use mix specified for that type of development if it is considered further. The Revised General Plan envisions that high-density residential areas will contain a mixture of residential, office, commercial, public/civic, and open space uses. Staff notes that the Plan does not permit any deviation from the land use mix for projects designated for Keynote Employment development (Revised General Plan, Chapter 6, *Land Use Pattern and Design Policy 8*).

Table 1: Recommended Land Use Mix

Land Use Category	RGP % Recommended	
	Keynote Employment	High-Density Residential
Employment*	70 - 85%	0 - 20%
High Density Residential	0% (not permitted)	40 - 60%
Commercial Retail & Services**	0 - 10%	
Public & Civic	At least 5% (no maximum)	At least 10% (no maximum)
Public Parks & Open Space	At least 10% (no maximum)	At least 30% (no maximum)

* The land use mix specifies "Regional Office" for Keynote Employment developments and "Office/Light Industrial" for High-Density Residential Communities.

** Retail Policy guidance provided in *Countywide Retail Plan*.

Staff notes that the Statement of Justification (pg. 10) includes a table indicating the Applicant's calculated proposed land use mix for the project. However, it appears several areas used to fulfill the Public & Civic and Public Parks & Open Space land use categories do not meet the Plan's guidance for these types of uses. For example, the proposed Central Village Green and Pocket Parks/Plazas are included in the civic use category whereas they would be considered to be open space per Plan policies. The table also provides a comparison of the proposed project to the land use mix for the Urban Center policies which, as discussed above, do not apply to the site. More specific recommendations are provided below.

¹ The Plan envisions that high-density residential neighborhoods will provide for a variety of attached and multi-family housing types in neighborhood settings with supporting non-residential uses in a planned environment fostering a strong sense of community. At the same time, such a pattern is intended to provide significant quantities of open space (preferably public open space) both in and around the high density neighborhood or the community in which the neighborhood is located (Revised General Plan, Chapter 11, *High-Density Residential Uses Design Guidelines*). Residential densities between 8 and 24 dwelling units per acre (du/acre) are envisioned in mixed-use areas of the Dulles Greenway corridor and in the Urban Center, and densities between 8 and 16 du/acre in other mixed-use Business developments based upon the availability of utilities, transportation facilities, public facilities, participation in open space preservation efforts, and conformance to the community design and growth management policies of this Plan (Revised General Plan, Chapter 6, *High-Density Residential Use Policy 1*).

a. Public and Civic Uses

The Plan envisions that at least 10% of the gross acreage of high-density residential developments will consist of public and civic spaces (*Revised General Plan, Chapter 6, High-Density Residential Policy 3*). For this property to comply with Plan policies, at least 3.4 acres (10% of the total 34.1 acreage) should be developed with these types of uses. Civic uses, as defined in the Plan, are "public or quasi-public institutional uses... and typically include small churches, fire and rescue facilities, schools, day care centers, group homes, community centers, post offices, and community clubhouses" (*Revised General Plan, Glossary, p. G-2*). The proposed project includes the following uses that meet the Plan's definition for public and civic space: a 2-acre fire and rescue site in the southeast corner of the site adjacent to Nokes Boulevard (as proposed in SPEX 2008-0026) and a 10,000 square foot (approximately 0.23 acre) clubhouse/community center (per Proffer VIII.B) for a total of 2.2 acres. The proposal does not appear to provide a sufficient amount of public and civic uses.

Both the Department of Fire, Rescue and Emergency Management and the Proffer Matrix Review Team have raised serious concerns in their second referrals about the size and layout of the proposed fire and rescue site as well as the use of a private road as its primary internal access point. As noted in their referrals, public uses of this type typically require five buildable acres in order to accommodate all the program requirements and to ensure the adequate circulation and deployment of emergency vehicles; the Applicant, in contrast, has proposed to dedicate two acres to the County for this purpose. The referrals have also recommended that the proffered "Fire & Rescue Site" be referred to as a "Public Use Site" to ensure flexibility in the use of the site for other public purposes in the event the site cannot be developed with a fire and rescue station. However, public use sites two acres in size or less are typically proffered for residential purposes (such as mental health group homes, transitional homeless shelters, etc.) but the proposed PD-CC(CC) zoning district does not allow residential uses, thereby limiting the types of capital facilities that can be developed on the site.

Staff recommends that the proposed development fully comply with the public and civic policies of the Revised General Plan by providing, at a minimum, at least 3.4 acres for these types of uses. Staff recommends that the Applicant continue to work through site design and layout issues with the Department of Fire, Rescue and Emergency Management and the Proffer Matrix Review Team for the proposed public use site. Overall, staff questions the appropriateness of placing a 2-acre fire and rescue station in a predominantly residential development when the standard size for such a use is typically five acres.

b. Public Parks & Open Space

The Plan recognizes that the provision of sufficient open space is especially critical within high-density residential neighborhoods because of the greater concentration of residents. Open space can include a variety of passive, active and recreational open space, including woods, wetlands, wet ponds, neighborhood and community parks, community gardens, athletic fields, tot lots, hiking and biking trails, streetscape areas, and other natural or man-made features that function as amenities for a planned development (*Revised General Plan, Chapter 6, Open Space text and Policy 1*). The Plan envisions that high-density residential neighborhoods will incorporate open space at a minimum of 30% of the gross acreage of the property (*Revised General Plan, Chapter 6, High-Density Residential Policy 3*). Of this amount, at least 75% should be interior open space; perimeter buffers and leftover spaces can only account for 25% of the open space requirement (*Revised General Plan, Chapter 6, Open Space Policy 1*).

In order for this project to comply with these policies, at least 10.2 acres (30% of the 34.1 total acres) should be set aside as some type of open space, of which approximately 7.7 acres (75% of the 10.2 acres of open space) should be located internal to the development. According to the Rezoning Plat and Circulation Plan (Sheet 4), the project includes a total of 9.5 acres of open space (5.5 acres in the proposed R-24 zoning district and 4 acres within the PD-CC(CC) district). The proposed open space within the project includes a village green, a community green and tot lot, an archaeology preserve area, a Tree Conservation Area (TCA) surrounding the riparian corridor, two possible stormwater management ('SWM')/Best Management Practices ('BMP') facilities adjacent to City Center Boulevard, a green space adjacent to one of the buildings within the proposed PD-CC(CC) district (shown to be a drive-through bank on the illustrative plan), rear buffer yards between the proposed PD-CC(CC) and R-24 zoning districts, and the perimeter buffers. The draft proffer statement (Proffer VIII.B) specifies minimum sizes for the proposed active recreation uses, including a 5,000 square foot tot lot playground, a 10,000 square foot clubhouse/community center, a 2,500 square foot swimming facility, and a 250 square foot wading pool. Minimum sizes are not specified for the community and village greens.

It appears that the project does not provide a sufficient amount of open space. Staff also questions whether all the open spaces shown on the rezoning plat can be used to fulfill the open space ratio requirement of the land use mix as outlined in the Plan (*Revised General Plan, Chapter 6, Open Space Policy 9*). For example, the Plan specifies that pocket parks, landscaped gardens, and community greens must be at least 2,500 square feet in size to count as open space. Furthermore, Plan policies state that stormwater management facilities cannot be included unless they are wet year-round and developed as amenities (e.g., with gazebos, picnic areas or walking paths added) (*Revised General Plan, Chapter 6, Open Space Policy 9*). Staff is specifically concerned that the rear buffer yards between the two proposed zoning districts, the open space

adjacent to the drive-through bank, and the proposed SWM/BMP facilities do not meet these criteria.

Additional information is also requested to determine if the project provides a sufficient amount of internal open space. For example, the illustrative plan (Sheet 5) shows residential buildings surrounding the community green & tot lot adjacent to the site's eastern boundary with Loudoun Tech Center. This area does not appear to meet the Plan's definition for internal open space as it will mainly serve the residents in the immediately adjacent buildings and appears to be isolated from the rest of the community.

Staff recommends that the project comply with the open space policies of the Revised General Plan by fully incorporating at least 10.2 acres of open space, of which at least 7.7 acres should be internal to the site. An exhibit indicating the size of the individual open space areas would be helpful to determine the project's compliance with these policies. Staff will provide a more detailed open space analysis once this information is available. If it is determined that additional open space is needed, staff places a priority on preserving more of the property's forested riparian corridor (see Existing Conditions discussion below). Staff also recommends that proposed community green and tot lot be relocated to a more central location on the site, perhaps adjacent to the riparian corridor.

Lastly, staff recommends that the application provide additional commitments that will ensure that all open space areas will be designed to accommodate and encourage use by residents. Recommended commitments include the following: (1) that the proposed SWM/BMP facilities will be wet year-round and enhanced with gazebos, picnic areas or walking paths so they can truly serve as community amenities. Without such a commitment, these spaces cannot be used to help fulfill the open space ratio requirement of the land use mix; (2) specific community amenities that will be provided within the open space areas, for example the number and type of equipment to be provided within the tot lot, the amenities included as part of the clubhouse/community center, a minimum number of benches, picnic and/or seating areas to be provided in other open space areas, gazebos adjacent to stormwater management facilities (if provided), enhanced landscaping, etc.; and (3) minimum square footages should be established for the Village Green and Community Green in Proffer VIII.C.

3. PHASING & OFFICE COMMITMENTS

A central objective of the Plan is one of balancing business and residential uses to promote an effective fiscal policy (Revised General Plan, Chapter 3, Fiscal Planning and Budgeting Policies 1 and 2). The Plan calls for mixed-use projects to provide a development phasing plan that will "establish a build-out relationship between the residential and non-residential components of the project that is consistent with the

County's goals for the project area" (Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 6).

Approximately 37% of the site (or, 12.6 of the total 34 acres) is proposed to be rezoned to the PD-CC-CC (Planned Development – Community Commercial Center) zoning district to permit the development of up to 117,000 square feet of non-residential uses. A Special Exception (SPEX 2008-0027) has been submitted to allow office development within the PD-CC-CC district to exceed the amount currently permitted in the Zoning Ordinance (i.e., 20% of the total floor space). SPEX 2008-0027 proposes to develop 34% of the total floor space with office uses for a total of 40,000 square feet of office and 77,000 square feet of retail uses. However, the application does not provide sufficient assurances that the office development proposed in the Special Exception will be realized; the draft proffer statement (Proffer I.A.2) for the rezoning merely states that the property will be developed with up to 117,000 square feet of uses permitted in the PD-CC(CC) zoning district. As such, if the application is approved as currently proposed, the Applicant will have the option of developing the site per the Special Exception or not. In other words, it is possible that the southern portion of the site could be developed with 100% commercial retail space and no office uses.

Given the site's Keynote Employment designation, the Applicant should commit, at a minimum, to developing the full amount of office square footage proposed in the Special Exception. This could be accomplished by committing to a phasing plan that ensures the concurrent development of residential and non-residential uses. However, as stated above, Community Planning staff does not support the proposal in general and recommends that the entire site be developed with Keynote Employment uses per its planned land use designation. According to the Statement of Justification, the proposed Parc Dulles II will be "built-out" in a single stage, over a period of eighteen months, depending upon market conditions and product demands. The Applicant should commit to a phasing plan that ensures that the proposed non-residential component will be built concurrently with its residential uses. Without such a commitment, it is possible that the proposed residential uses of this project will be built far in advance of its non-residential component or that its commercial component will not be constructed at all.

Staff recommends that the rezoning application provide greater assurances that the office development proposed in SPEX 2008-0027 will occur. Staff recommends that the application commit to a phasing plan that ensures that the project's non-residential component will be developed concurrently with the residential uses. The application should also provide site design commitments that ensure a vibrant, vertically-mixed environment within the proposed PD-CC(CC) district.

4. RESIDENTIAL BUY-OUT OF THE ROUTE 28 TAX DISTRICT

Property owners within the Route 28 Tax District rezoning commercially or industrially zoned property to residential or institutional uses have on several occasions been allowed to buy-out of the District through a one-time payment that is calculated using a formula agreed upon by Loudoun and Fairfax Counties, the Route 28 District Commission, and the Route 28 Tax District Advisory Board. The payment is representative of the present value of the future special improvements taxes estimated by the County to be lost as a result of the change. The draft proffer statement (Proffer VII) includes a commitment to tender to the County a lump sum payment equal to the present value of the future special improvements taxes estimated by the County to be lost as a result of rezoning the property to a residential use.

Should residential uses be approved on the subject property, staff recommends the Applicant consult with the County's Department of Management & Financial Services to determine an appropriate Route 28 Tax District buy-out payment.

5. RETAIL DEMAND

The Retail Plan states that all applications for commercial retail rezonings must include a statement describing the catchment or market area to be served as well as a statement of justification that contains an analysis of existing and proposed competing projects (*Retail Plan, General Retail Policy 4*). The intent of this policy is to ensure that proposed retail uses are viable in the long-term and won't lead to an oversaturation of the market and an excess of total retail floor space in relation to the population served. The Applicant is proposing to rezone approximately 12.6 acres of the subject site to the PD-CC(CC) zoning district in order to develop up to 117,000 square feet of uses permitted in that district. The proposed PD-CC(CC) district is located at the southern end of the site adjacent to Nokes Boulevard.

It is not clear how this proposed commercial center will fit into the greater Dulles Town Center community given that a 50,000 square foot community shopping center (the 'Colonnade Shoppes at Dulles Town Center') is planned approximately 1,300 feet north of the subject property at the intersection of City Center Boulevard and Stefanie Drive. If the PD-CC(CC) uses proposed in this application are intended to

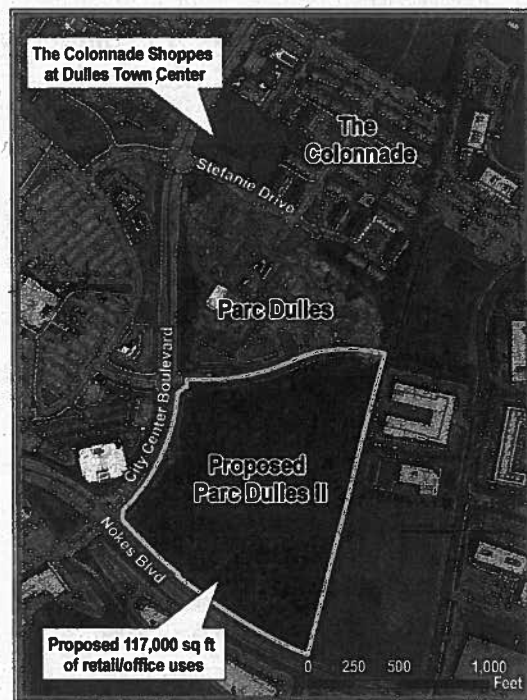


Figure 4. Planned Retail in the Vicinity of the Site

mainly serve the residential communities located within the Dulles Town Center property, it may be appropriate to develop the northern side of the property with these uses in order for them to be closer to these residents.

Regardless, the development of a second community-serving commercial center on the southern end of the subject property is inconsistent with Retail Plan policies calling for the separation of service-area based retail by a minimum of 4,000 feet to prevent strip commercial development and the consolidation of centers into a larger commercial complex (*Retail Plan, Policy A4, pg. 15*). It is not clear whether the existing and planned residential communities within the Dulles Town Center property, including the Colonnade, the Remington, and Parc Dulles I and II, will be able to support two community-serving shopping centers in such close proximity to each other. Staff also notes that the Dulles Town Center application (ZMAP 2007-0001 & ZCPA 2007-0001) includes in their development proposal up to 342,800 square feet of commercial retail uses.

Staff requests additional information regarding the development of community-serving retail uses within the entire 554-acre Dulles Town Center project in order to help determine if the southern end of the property is an appropriate location for a community-oriented office/retail center as proposed.

6. EXISTING CONDITIONS

The proposed site is significantly forested. Additional green infrastructure resources on the property include a known archeological site, a riparian corridor, wetlands, hydric soils, and steep slopes (Figure 5). Perhaps the site's most unique environmental feature is its riparian corridor which contains a stream and wetlands. The stream, which originates on the subject property, drains northward through the existing Parc Dulles I development (where it has been preserved as a unique environmental feature of the community and becomes a minor floodplain) and then runs westward just south of Signature Drive to the stormwater management pond serving the Dulles Town Center property near the Route 7/Route 28 interchange before it ultimately drains into the Broad Run.

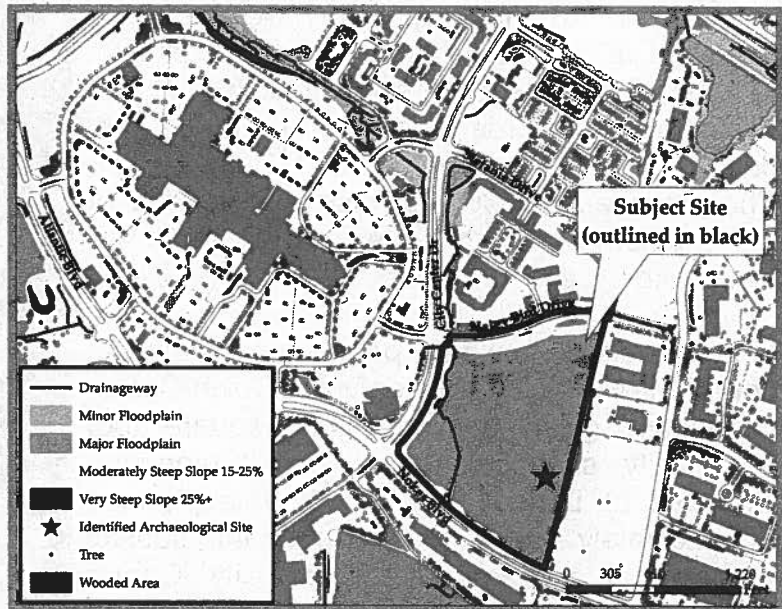


Figure 5. Existing Conditions

a. Streams & Wetlands

The County encourages the protection and preservation of smaller stream segments (i.e., those draining less than 100 acres) through the application of conservation design techniques that will minimize disturbance and modification of such streams through the land development process (Revised General Plan, Chapter 5, River and Stream Corridor Policy 11). The Revised General Plan also calls for the protection of surface water resources from contamination and pollution, and preventing the degradation of water quality in the watersheds (Revised General Plan, Chapter 5, Surface and Groundwater Resources text). The County supports the federal goal of no net loss to wetlands in the County (Revised General Plan, Chapter 5, River and Stream Corridor Policy 23). The overall health and quality of the Broad Run is dependent upon the protection and buffering of the wetlands and streams that feed into it.

The Applicant has proposed to preserve much of the site's riparian corridor in a Tree Conservation Area (TCA). The draft proffer statement (Proffer VIII.C) commits to preserving existing healthy trees within the TCA, provided that trees may be removed for the construction of trails and for grading necessary for the installation of utilities. Impacts to the stream and wetlands are proposed in the southern end of the site near Nokes Boulevard to accommodate an office/retail building and its surrounding parking area as well as to the north in order to develop a possible Stormwater Management/Best Management Practices (SWM/BMP) facility. In the first referral, staff requested that the project's Waters of the U.S. and wetland delineation be submitted to the U.S. Army Corps of Engineers (USCOE) for jurisdictional determination. According to the response to referral comments, the wetlands report has been submitted to the USCOE and the Applicant will update the County when it is available. Staff also recommended that the Applicant avoid or minimize impacts to jurisdictional waters and wetlands to the greatest possible extent.

An approved jurisdictional determination is still needed to confirm the location of jurisdictional waters and wetlands on the property and should be submitted to the County as soon as possible. Overall, staff remains concerned about the project's proposed impacts on the site's riparian corridor and recommends that the Applicant preserve and protect as much of this unique environmental feature as possible. Specifically, staff recommends that the possible SWM/BMP facility proposed online with the riparian corridor be removed and that the area be designated as a TCA consistent with the overall preservation of the riparian corridor. The currently-proposed TCA south of the main travelway should also be expanded to protect more of high quality riparian forest located on the north side of the stream in order to help resolve the project's overall open space deficit (see Open Space discussion above). It may also be appropriate to relocate the proposed tot lot nearer to the riparian corridor in order to maximize recreational opportunities and place this community amenity in a more central location. At a minimum, a 50-foot buffer surrounding the jurisdictional waters and

wetlands should be provided in order to protect the critical root zone of existing trees and to support the long-term quality and viability of preserved streams and wetlands. The Applicant has a unique opportunity with this application and the Dulles Town Center rezoning application (ZMAP 2007-0001) to protect this riparian corridor and its remaining forested buffer as a key natural feature of the larger Dulles Town Center property. Recreational activities that link different sections of the development (such as a natural trail with boardwalk crossings when needed to cross the stream and wetlands) could be a nice amenity. Staff notes that a recreational trail along the stream would be permitted pursuant to Proffer VIII.C.; however, such a trail is not depicted on the Rezoning Plat (Sheet 4).

The proposed wetland impacts are located at the headwaters of the stream and appear to be relatively minor. In the first referral, staff recommended that if such impacts are unavoidable, then the application should commit to mitigation that is located within or close to the project area to help maintain water quality, flood protection functions, and habitat in the watershed. The application has not provided a commitment regarding wetland mitigation because, according to the response letter, "the timing of development is not known, the mitigation needs and options that may be available at the time of development are not known" and "the state and federal regulatory framework for wetlands protection provides ample assurance that wetlands will be protected, and where necessary, impacts properly mitigated". However, federal and state regulations do not ensure that the mitigation provided to offset impacts will occur within the same watershed or jurisdiction as the impacts. There are a variety of available mitigation options for this project that meet the policies outlined in the Revised General Plan. Given the expanded time frame for completion of the project, there will be opportunities to plan and implement a mitigation project consistent with both state and federal requirements as well as Plan policy.

Staff recommends that the proposed project be redesigned to avoid or minimize impacts on the property's riparian corridor to the greatest possible extent by relocating the proposed possible SWM/BMP facility and expanding the Tree Conservation Area (TCA) in order to protect a larger area of the stream's forested buffer. Staff also recommends that appropriate recreational activities (such as a pervious trail, boardwalks over streams and wetlands, and a tot lot) be developed within this area in conjunction with the Dulles Town Center rezoning application (ZMAP 2007-0001).

Staff also urges the Applicant to commit to interpretive signage identifying the site's significant natural resources in order to engender stewardship among the site's future users.

Lastly, staff requests a copy of the jurisdictional determination once it has been issued and recommends that the Applicant commit to prioritizing mitigation on or

as close to the subject property as possible. Staff also requests copies of any permits or waivers from the U.S. Army Corps of Engineers and Virginia Department of Environmental Quality which pertain to the site's wetlands and streams.

b. Forests, Trees, and Vegetation

The Plan supports the conservation of forest resources during the site development process and calls for the submittal and approval of a tree conservation or forest management plan prior to any land development that "demonstrates a management strategy that ensures the long-term sustainability of any designated tree save areas" (*Revised General Plan, Chapter 5, Forest, Tree and Vegetation Policies 1 and 3*). In the first referral, staff expressed concern that only a small portion (approximately 1.8 acres) of the site's existing forest was proposed to be preserved in a Tree Conservation Area (TCA) surrounding the existing riparian corridor. Staff recommended that the project be revised to incorporate additional TCAs, especially where there are specimen trees, as part of the development's open space. The revised Rezoning Plat & Circulation Plan (Sheet 4) maintains the same TCA as previously proposed, but has committed to the preservation of six of the site's 24 specimen trees, two within the existing TCA and four within the proposed archaeological site. Staff notes that the response to Environmental Review Team (ERT) comments indicates that the



Figure 6. Existing Forest Cover on the Site

archaeological site has been included in tree save. However, the Rezoning Plat (Sheet 4) does not reflect that. The response letter further states that there appears to be an internal policy conflict regarding whether the Applicant must provide the Community Green & Tot Lot as relatively cleared open space or not and that the proximity of construction to these locations makes them poor candidates for successful TCAs.

Overall, staff remains concerned that the vast majority of the site's high quality forest cover will be removed during the site's development and that

much of the wooded area to be preserved consists of a cover type ('Cover Type 4') that is not recommended for conservation. While staff supports the proposed TCA due to its ability to protect the site's riparian corridor and serve as an amenity, staff recommends that it be expanded to help address the project's overall open space deficit and protect more of the high quality riparian forest located on the north side of the stream (see Streams & Wetlands discussion above). Additional TCAs should be designated for the proposed Archaeology Preserve Area and the Community Green & Tot Lot, particularly

if the latter is relocated adjacent to the riparian corridor as previously recommended by staff. Preserving the existing mature vegetation in these areas will protect the archeological site that was discovered on the property and will still allow the Community Green & Tot Lot to be developed with active recreation uses.

Lastly, staff notes that the draft Tree Conservation Area Proffer (Proffer VIII.C) is not consistent with the language recommended by the County Arborist and does not protect trees less than 18 inches DBH², including smaller trees necessary to ensure forest regeneration. Furthermore, the proposed language regarding tree protection is not necessary as the Facilities Standards Manual (FSM) requires similar measures in conjunction with the Tree Conservation Plan required at construction plan and site plan. The standard TCA commitment language, which was provided in the Environmental Review Team's June 20, 2008 referral, is flexible and allows 20 percent of existing trees to be removed for designated uses, which could include a tot lot or other active recreational space.

Staff recommends that the project be revised to protect more of the site's existing forest cover by designating the Archaeology Preserve Area and the Community Green & Tot Lot as TCAs on the rezoning plat (Sheet 4). Other opportunities to preserve existing canopy and specimen trees should also be considered, including within the required buffers, along roadways, and within smaller open space areas, for example pocket parks. Staff also recommends that the draft Tree Conservation Area Proffer (Proffer VIII.C) be revised to be consistent with the language recommended by the County Arborist.

c. Stormwater Management

The Plan states that major water resource issues for the County include protecting groundwater and surface water (i.e., streams and wetlands) from contamination and pollution as well as preventing the degradation of water quality in watersheds (Revised General Plan, Chapter 5, Surface and Groundwater text). The Plan promotes the use of low impact development (LID) techniques, which integrate hydrologically functional designs with methods for preventing pollution (Revised General Plan, Chapter 5, Surface and Groundwater Policy 2). LID uses natural vegetation and small-scale treatment systems to treat and infiltrate rainfall close to the source and can include permeable paving, vegetative buffer or filter strips, and the collection and use of rooftop run-off for irrigation and green roofs.

The Rezoning Plat (Sheet 4) indicates that two possible Stormwater Management/Best Management Practices (SWM/BMP) facilities may be needed on the subject property to serve the proposed development, one of which is proposed to be on-line with the existing stream. The draft proffer statement (Proffer III) states that the property shall be

² DBH stands for "Diameter at Breast Height". Breast height is defined as 4.5 feet (1.37m) above the forest floor on the uphill side of the tree.

developed using a combination of the approved regional stormwater facility at Dulles Town Center, located at the intersection of Route 7 and Route 28, and certain on-site BMPs as shown on Sheet 4 of the Rezoning Plat. In the first referral, staff deferred to the County's Environmental Review Team (ERT) for specific recommendations related to stormwater management.

Staff supports the proposed regional stormwater management approach in the development of this property. According to the response letter, the Applicant met with ERT staff on February 18, 2009 to pursue a regional stormwater solution for the two active land development applications by enlarging the existing stormwater management pond. However, as the regional stormwater solution depends on the Virginia Department of Environmental Quality approval, the Applicant has continued to depict possible SWM/BMP locations on site should the regional approach fail. In either case, the Applicant will use LID methods, as appropriate, to treat water quality before it enters the riparian corridor. Staff notes that the project does not include any LID commitments. The project should also commit to meeting current stormwater management and water quality standards since the approved regional facility at the intersection of Route 7 and 28 was designed under prior standards.

Staff recommends that the possible SWM/BMP located online with the riparian corridor be removed and that the area be designated as a Tree Conservation Area consistent with the overall preservation of the riparian corridor, as recommended above.

Staff further recommends that Proffer III be revised to indicate that the project will meet current stormwater management requirements pertaining to water quality and water quantity as opposed to utilizing the previously approved pond, which was designed using previous standards.

Lastly, staff recommends that the Applicant commit to providing stormwater quality pre-treatment on the property to filter runoff entering the riparian corridor in the event that offsite stormwater management facilities will be used to serve the project.

d. Steep Slopes

The hazards associated with the disturbance of steep and moderately steep slopes include erosion, building and/or road failure, and downstream flooding. Development on such slopes often requires high volumes of clearing and "cut and fill", and can lead to erosion and sedimentation that causes adverse effects on surface water quality and aquatic habitat (*Revised General Plan, Chapter 5, Steep Slopes and Moderately Steep Slopes text*). For these reasons, the Plan prohibits land disturbance on steep slopes with a grade of more than 25% and calls for special performance standards to be used to protect moderately steep slopes which include "best management practices,

locational clearances for clearing and grading, and approval of natural drainageways” (Revised General Plan, Chapter 5, Steep Slopes and Moderately Steep Slopes, Policies 1 and 3).

The application provides confusing and contradictory information regarding the presence of steep slopes on the subject property. For example, Note 22 on the Cover Sheet (Sheet 1) states that the property contains no steep slopes. However, the Existing Conditions plat (Sheet 2) depicts areas of steep slopes that are generally located around the periphery of the site and includes a note stating that all steep slope areas on the site are manmade. In addition to revising the plats for consistency, the Existing Conditions plat should distinguish between moderately steep slope areas and very steep slope areas. Staff notes that the steep slope standards in the Revised 1993 Loudoun County Zoning Ordinance have been revised to exempt slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches. If it is determined that the slopes on the property may be disturbed because they are manmade, performance standards are recommended to avoid potential erosion and sedimentation from construction on steep slopes adjacent the riparian corridor and Tree Conservation Area. Such standards should include silt fencing along the perimeter of disturbed slopes during construction and that any created slope gradients created adjacent to the Tree Conservation Area (TCA) should not exceed 3:1 to aid in permanent stabilization.

Staff recommends that (1) Note 22 on the Cover Sheet (Sheet 1) be revised to state that manmade steep slopes are present on the property; (2) that the Existing Conditions plat (Sheet 2) distinguish between very steep and moderately steep areas; and (3) the draft proffer statement include commitments mitigating any development that takes place on steep slope areas.

e. Plant and Wildlife Habitats

Plan policies state that development applications with the likelihood of impacting one or more natural heritage resources will conduct a species assessment and develop a plan for impact avoidance if the presence of a natural heritage resource is identified (Revised General Plan, Chapter 5, Plant and Wildlife Habitat Policy 8). The Virginia Department of Conservation and Recreation (DCR), Division of Natural Heritage (DNH) defines natural heritage resources to include rare, threatened, and endangered plant and animal species; exemplary natural communities, habitats, and ecosystems; and significant geologic formations. DCR has provided a letter for this application which recommends an inventory of suitable habitat due to the potential for this site to support additional populations of natural heritage resources.

Staff concurs with DCR and recommends that inventories for rare, threatened, and endangered species be conducted.

f. Road Noise Impacts

Both the Revised General Plan and the Countywide Transportation Plan (CTP) contain roadway noise policies that are intended to protect noise sensitive land uses along specific corridors. The Plan states that the "County will require all land development applications that propose land uses adjacent to any of the existing and/or proposed arterial and major collector roads will be designed to ensure that no residential or other type(s) of noise-sensitive use(s) will have traffic noise impacts which occur when the predicted traffic noise levels approach or exceed the noise abatement criteria on the Noise Abatement Criteria (NAC) Hourly A-weighted Sound Levels table, or when predicted traffic noise levels substantially exceed existing noise levels" (Revised General Plan, Chapter 5, Highway Noise Policy 2). Table 4-1 in the CTP provides guidance regarding appropriate noise levels for various uses.

The proposed project is located at the intersection of two four-lane, major collector roads that generate significant roadway noise – Nokes Boulevard and City Center Boulevard. In the response to the Environmental Review Team's comments, the Applicant expressed a willingness to commit to construction techniques that will meet or exceed the County's interior noise standard. However, the draft proffer statement does not include any commitments regarding noise mitigation. The Applicant also stated that all outdoor recreation areas are shielded from the roadways by residential buildings and will not be impacted by roadway noise. Staff also notes that the proposed Public Use Site is in close proximity to residential uses and, if developed as a Fire and Rescue station, may also generate noise impacts. The Applicant has not specifically addressed the level and impact of noise that will likely be generated from this use nor any mitigation measures that may be needed.

Staff recommends that the Applicant commit to construction techniques ensuring that all residential buildings built on the subject property will meet or exceed the County's interior noise standards of 51 dBA. Staff encourages a commitment to the U.S. Department of Housing and Urban Development interior noise standard of 45 dBA for the application given the proposed multi-family residential use. Staff also recommends further discussion regarding measures that may be needed to mitigate any impacts from the proposed fire & rescue station on the immediate residential uses.

g. Archaeological & Historic Resources

The Revised General Plan states the County will require an archeological and historic resources survey as part of all development applications and include a plan for recordation and preservation of any identified resources, along with measures for mitigation and adaptive reuse (Revised General Plan, Chapter 5, Historic and Archaeological Resources Policy 11). A previously unrecorded archaeological site (44LD947) has been identified in the southeastern portion of the subject property. The

Phase I archeological survey identified it as an early nineteenth century domestic site based on the small artifact assemblage, which includes ceramics, bottle sherds, and brick fragments. Site 44LD947 is thought to be either a tenant or an African American slave site. Sites relating to enslaved African Americans and tenant farmers are not well documented in the County or the region. This site may yield important information related to these populations. Site 44LD947 is considered to be potentially eligible for listing in the National Register of Historic Places by the consultant who conducted the Phase 1 survey.

Specific recommendations regarding the site's archeological and historic resources will be sent under separate cover. However, Community Planning staff notes that the application provides inconsistent information and commitments regarding this potentially important archaeological site. For example, the Rezoning Plat (Sheet 4) identifies an "Archaeology Area" as one of the proposed open spaces and proposes to preserve four specimen trees within this area. The response to referral comments also suggests the Applicant's intent to preserve this area as a Tree Conservation Area (TCA). However, the Rezoning Plat does not designate this area as a TCA. Furthermore, the draft proffer statement (Proffer IV) provides a commitment that the Applicant shall conduct a Phase II Archaeological study for the identified site prior to any land disturbance and/or approval of any site plan (whichever occurs first). If a Phase III Archaeological Study is recommended, it will be conducted prior to any land disturbance and/or approval of any site plan (whichever occurs first) for the property. Notwithstanding this, the Owner shall not be required to perform any additional archaeological studies for this site if it remains undisturbed during the course of the development.

Staff recommends that the identified archaeological site (44LD947) be appropriately protected and preserved. Specific recommendations will be sent under separate cover.

h. Lighting

The Plan states that the beauty of the County's night sky is threatened by excessive and improper lighting. It promotes the use of lighting for convenience and safety without the nuisance associated with light pollution (*Revised General Plan, Chapter 5, Lighting and the Night Sky text and Policy 1*). No detailed information or commitments regarding lighting has been provided.

Staff recommends a commitment to lighting that is downward directed, fully shielded, and in full conformance with Zoning Ordinance requirements. All lighting should be designed to preclude light trespass onto adjoining properties, glare to passerby, skyglow, and deterioration of the nighttime environment.

i. Sustainable and Energy Efficient Design

The County encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other negative impacts (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principle 12, pg. 4*). Staff notes that other multi-family residential projects proposed after the adoption of CPAM 2007-0001 have provided commitments regarding “green building” techniques.

Staff recommends that the Applicant commit to incorporating sustainable and energy efficient design and construction principles during the development of this project.

7. SITE DESIGN

In the first referral, staff deferred analysis of the project’s site design and layout due to the significant land use issues related to the application. Because the Applicant is continuing to pursue this application, staff has analyzed the project for conformance with the design guidelines set forth in the *Revised General Plan* for high-density residential community and offers the following comments for consideration.

Plan policies call for all residential communities to include an efficient and compact site and roadway layout with adequate open space (active, passive and natural); streetscapes that include sidewalks, street trees, pedestrian-scale lighting, pedestrian and roadway linkages to other neighborhoods and communities; and the full protection of the green infrastructure. Smaller high-density residential neighborhoods should focus on a public green or park, civic buildings such as a church or community center, or a small neighborhood commercial center (*Revised General Plan, Chapter 6, Residential text*). High-density residential neighborhoods are established to provide for a variety of attached and multi-family housing types in neighborhood settings with supporting non-residential uses in a planned environment fostering a sense of community. They should:

- Provide a greater range of housing types and sizes (including a mix of duplex, single-family attached and multi-family dwelling units) to meet the County’s affordable housing objectives;
- Provide significant quantities of open space (preferably public open space) both in and around the high-density neighborhood or the community in which the neighborhood is located;
- Possibly include a residential neighborhood center with uses that are needed to support the residents of these areas, including compatible governmental, educational, religious, recreational, convenience establishments designed to serve the daily or frequent retail and service needs of the immediate surrounding population, and other uses;

- Include yards, fences, walls or vegetative screening at the edges of the neighborhood where needed to protect residents from undesirable views, lighting, noise, or other off-site influences. In particular, extensive off-street parking areas, service areas for loading and unloading non-passenger vehicles, and areas for the storage and collection of refuse should be screened (*Revised General Plan, Chapter 11, High-Density Residential Design Guidelines*).

Overall, the layout of the proposed project appears to achieve many of the design elements described in the Plan for high-density residential areas. The Rezoning Plat (Sheet 4) indicates that the proposed development will be accessed from three points: City Center Boulevard, Haleybird Drive (lining up with the existing access point in Parc Dulles I), and Nokes Boulevard. Two main travelways through the neighborhood are proposed running in a north-south and east-west direction, meeting in a central village green. Residential and commercial buildings are generally placed close to the main travelways with parking areas behind them, providing an opportunity to create a pedestrian-oriented streetscape. In general, community amenities are placed in central locations where they can be easily accessed by the residents and users of the proposed commercial center, with the exception of the community green and tot lot (as discussed in the Open Space section above).

The Rezoning Plat depicts the location of buffers, multi-family residential building areas, major travelways, parking areas, open spaces, and vehicular circulation paths. Additional site design details, including building footprints and surface parking lot layouts, are instead provided on an Illustrative Plan, which will not be committed to. According to the response to referral comments, "this project is proposed as an extension of the well-received Parc Dulles project located immediately to the north. Strong pedestrian orientation defines the project, and centrally located amenities provide both a civic focal point and excellent recreational options. Meeting spaces and other leisure-oriented indoor gathering places are provided as well". The Applicant also indicated support for a site visit with staff to discuss any design adjustments staff might identify and perhaps a set of design guidelines that would provide assurances that the Parc Dulles design would be used on Parc Dulles II.

Staff welcomes a meeting with the Applicant to discuss minor recommended changes to the proposed site design and, perhaps more importantly, what design-oriented commitments are needed to ensure the development of a high-quality development. For example, the Illustrative plan suggests that a variety of residential buildings may be constructed on the site, consistent with the Plan's direction for high-density residential neighborhoods and the existing Parc Dulles I community. However, the project does not currently provide such a commitment. Recommended design commitments include the general architectural design for the proposed buildings; the provision of a variety of housing types; the provision of streetscape elements that enhance the community's

sense of place and encourage pedestrian movement (such as benches, fountains, or other features of interest to pedestrians); the provision of specific amenities within the open space areas (discussed earlier in the Public Parks & Open Space section); that all rooftop mechanical equipment will be designed to appear as part of the building, for example behind roof façade parapets; and that all ground-mounted mechanical equipment and trash/refuse areas will also be screened from view.

Staff recommends that the application provide substantial commitments regarding overall site and architectural design that address the comments above and will ensure a high-quality built environment consistent with Parc Dulles I. This could be accomplished by developing and committing to design guidelines that will outline design commitments for the proposed development, detailed proffers, or a combination of both. Staff welcomes a meeting and possible site visit with the Applicant to further discuss this and other recommendations in this referral.

8. PEDESTRIAN AND BICYCLE CIRCULATION

The County is committed to establishing an integrated trails system for pedestrians and cyclists that provides non-vehicular connections between residential neighborhoods, workplaces, shopping centers, parks and open spaces, etc. (*Revised General Plan, Chapter 5, Greenways and Trails text*). The Loudoun County Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan) provides further guidance regarding the provision of pedestrian and bicycle facilities. The Bike/Ped Plan states that all development proposals need to include a bicycle and pedestrian design and development program that is consistent with national guidelines, including the AASHTO Guide for the Development of Bicycle Facilities, the Americans with Disabilities Act Accessibility Guidelines (ADAAG), and the Loudoun County Bicycle and Pedestrian Facility Design Toolkit (*Bike/Ped Plan, Policy 2, p. 27*). The pedestrian and bicycle circulation network for the proposed development should accommodate someone who wishes to bike or walk between any two points in the development and provide ample connections to a larger regional network, including the rest of the Dulles Town Center property.

The Bike/Ped Plan designates both Nokes Boulevard and City Center Boulevard as baseline connecting roadways. These roadways represent priority areas for bicycle and pedestrian facilities given that they connect key destinations and serve major population centers and activity nodes throughout the County. The Plan states that the "County in collaboration with affected stakeholders will ensure that every opportunity is used to improve bicycle and pedestrian conditions" along these roadways (*Bike/Ped Plan, Major Roads and Connecting Corridors Policy 1, pg. 46*). The application proposes to provide a 5-foot wide sidewalk along these roadways, inconsistent with Plan policies stating that major collectors and minor arterials should under most circumstances be equipped with off-road shared use paths on both sides of the roadway that are 10-foot wide and paved (*Bike/Ped Plan, Table 4-1, pg. 29 and text, pg. 42*). The proposed 5-foot wide sidewalks

are not adequate for bicycle mobility. Given the current and future mixed use nature of the Dulles Town Center property, these facilities along Nokes Boulevard, City Center Boulevard, and Haleybird Drive along the periphery of the development should be upgraded to multi-use 10-foot wide asphalt trails.

Regarding internal connections, similar facilities (i.e., minimum 5-foot wide sidewalk or trail) are proposed on both sides of the major travelways and to the proposed open spaces. However, because the Rezoning Plat and Circulation Plan (Sheet 4) does not include building footprints, additional sidewalks or trails could be appropriate in other locations such as at the rear or side of buildings and surrounding the proposed clubhouse & pool facility. It would also be appropriate to commit to providing wider sidewalks (minimum 8 feet wide) adjacent to the front of the proposed non-residential buildings in the southern portion of the site where a mixture of community-supporting office and retail uses are planned.

The proposed project also does not provide commitments regarding recreational trail connections within most of the proposed open spaces, in particular the proposed Tree Conservation Area (TCA) and the Community Green & Tot Lot. Although these facilities are shown on the Illustrative Plan (Sheet 5), they are absent on Sheet 4, which will be committed to. The Plan states that the County should ensure that all public spaces in residential areas are pedestrian-friendly, with attention should be given to street design details such as landscaping, lighting, and the provision of attractive street furniture (*Revised General Plan, Chapter 6, Land Use Pattern and Design Policy 3*).

Lastly, the Applicant should commit to providing these pathways as well as other street design details, including intersection treatments and the provision of bicycle parking. Intersection treatments recommended in the Bike/Ped Plan include a wide variety of features, including high-visibility crosswalks, wheelchair ramps, curb extensions, median refuges, countdown signals, in-median safety bollards, mid-block crossings, and more (*Bike/Ped Plan, Chapter 4, Bikeway and Walkway Facility Types*).

Staff recommends the following commitments regarding pedestrian and bicycle circulation:

- ***10-foot wide shared use paths along both Nokes Boulevard and City Center Boulevard;***
- ***Trails to and through the open space and recreational amenities (including pervious trails within the stream corridor and raised boardwalks over wetlands);***
- ***Appropriate intersection treatments throughout the proposed development to distinguish between pedestrian and vehicular movement;***
- ***Ample bicycle parking; and,***
- ***The provision of streetscape elements that are designed to encourage and foster pedestrian travel such as enhanced landscaping, street furniture,***

lighting, etc.

9. UNMET HOUSING NEEDS

It is the Plan's intent that high-density residential communities will provide a greater range of housing types and sizes to meet the County's affordable housing objectives (*Revised General Plan, Chapter 11, High-Density Residential Design Guidelines*). The project will be subject to Article 7-103(B) of the Revised 1993 Loudoun County Zoning Ordinance, which requires that 6.25% of most multi-family housing units be provided as Affordable Dwelling Units (ADUs). Rental ADUs are available for households whose income is 30% to 50% of the median income for the Washington Primary Metropolitan Statistical Area. Prices on rental ADUs are controlled for 20 years after the initial rental transaction. In compliance with these requirements, the draft proffer statement (Proffer I.A.1) commits to building 6.25% of the actual units as ADUs. A total of 28 ADUs are anticipated if the project fully builds out as proposed with 445 multi-family (MF) units. No information has been provided regarding what types of ADUs will be provided (e.g., 1, 2 or 3-bedroom units). It would be appropriate if a mix of units sizes is provided, in compliance with Plan policies stating that the County encourages a variety of housing types, sizes and innovative designs to be developed to assist in fulfilling unmet housing needs throughout the County (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 7*).

In addition to providing the required Affordable Dwelling Units (ADUs), the project should also help address the County's unmet housing needs. On September 18, 2007, the Board of Supervisors adopted revised housing policies with particular attention to unmet housing needs of households earning up to 100% of the Washington Metropolitan Area Median Income (AMI, \$102,700 effective March 19, 2009), that being the area of greatest need in the County (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 2*). Policies also recognize that the largest segment of unmet need is housing for incomes below 30% AMI (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principles Policy 14, p. 2-12*). To help meet these needs, developers of residential and mixed-use projects should include funding commitments and proffers to fulfill unmet housing needs in their development proposals (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Funding Policy 1*). Plan policies also encourage the development of housing for special needs populations (low income residents, elderly residents requiring congregate care, disabled residents and the homeless) as well as the application of universal design principles³ (*Revised General Plan, as amended by CPAM 2007-0001, Countywide Housing Policies, Guiding Principle Policy 8 and 11*).

³ The Revised General Plan defines universal design as "the simple design of both products and the built environment to be usable by people of all ages and abilities, and which promotes the ability for people to age in place" (*Revised General Plan, Glossary*).

Staff notes that similar projects in the County have provided substantial contributions to assist the County in meeting unmet housing needs. For example, several projects, including One Loudoun (ZMAP 2005-0008) and the Reserve at South Riding I (ZMAP 2005-0007), committed to providing actual units as "Work Force Housing", available for purchasers whose income does not exceed 100% of Loudoun County's Median Household Income. Other projects have committed to providing a one-time contribution of \$500 per unit to the County Housing Trust Fund for the "purpose of assisting qualified applicants with a household income of between 0 percent and 100 percent of the Washington Area Median Income to purchase homes in Loudoun County".

Staff recommends that the application commit to providing a mix of Affordable Dwelling Units (ADUs) that are dispersed throughout the community. It would be appropriate if the size of the ADUs (i.e., 1, 2, or 3-bedroom units) being provided are proportionate to the proposed market rate units.

Staff further recommends that in addition to ADUs, the Applicant provide a commitment that addresses the full spectrum of unmet housing needs up to 100 percent of the AMI. Providing actual units rather than a cash contribution would be preferred given that locating affordable housing near transit stations, such as the one planned on the Dulles Town Center property, is critical to providing affordable lifestyles for low and moderate-income families who may be particularly transit-dependent.

Staff also encourages the Applicant to consider incorporating housing for special needs populations as well as universal design principles into the project.

10. CAPITAL FACILITIES

Under the Revised General Plan, all residential rezoning requests will be evaluated in accordance with the Capital Facility policies of the Plan (Revised General Plan, Chapter 3, Proffer Policy 3). Staff has calculated capital facility impacts for the proposed development including the costs associated with the provision of safety, government, recreation, and education services, etc. based on the most recent submission. The County assumes responsibility for the capital facilities impacts up to the base density, which in this case is 0 du/acre given the site's PD-IP zoning. The total anticipated capital facilities contribution is therefore equal to \$18,904 per market rate multi-family unit, for a total of \$7,882,968 (Attachment 1).

The draft proffer statement (Proffer VI.A.1) states that the Applicant will pay to the County \$10,937 per dwelling unit (to escalate in accordance with the Consumer Price Index from the base year of 2009) for a total capital facilities contribution of \$4,866,965 if the project fully builds out. The total proposed contribution is substantially less than staff's calculations and does not include a requested capital facilities credit (Proffer VI.B.2) for the proposed 2-acre Fire and Rescue site, if accepted by the Board of

Supervisors. The per unit capital facility contribution amount will not be known until all appraisals of the proffered public use site have been conducted in accordance with CPAM 2006-0001, Proffered Land Sites Valuation Credit Methodology.

Staff recommends that the total impacts on capital facilities of the proposed residential development be mitigated.

11. OPEN SPACE PRESERVATION PROGRAM

In the Revised General Plan, sufficient open space is recognized as a key component to all development regardless of density. The County's program for obtaining open space comprises a "toolbox" approach with a number of mechanisms to ensure the adequate provision of active, passive, and natural open space in the County (Revised General Plan, Chapter 11, Open Space text). The Open Space Preservation Program is one of these tools for projects proposing the highest suburban density levels – from 3.5 to 4.0 dwelling units per acre for residential projects as well as those in high-density residential areas. To achieve these higher densities, the Board of Supervisors anticipates evidence of participation in the program.

The Plan sets forth different Open Space Proffer Guidelines for residential neighborhoods and high-density residential areas (Revised General Plan, Chapter 11, Open Space Policy 3). For residential neighborhoods, densities above 3.5 and up to and including 4.0 dwelling units per acre may be considered by the County in return for voluntary participation in the Open Space Preservation Program. For these types of projects, 1.0 easement is anticipated for every dwelling unit over a density of 3.5 du/acre. In contrast, for high-density residential areas, the Plan calls for 5% of all residential units associated with densities above 4.0 dwelling units/acre to result from the acquisition of an equivalent number of open space easements. The County anticipates that cash donations for open space will be spent in the Suburban Community in which the increased density is granted. Contributions should be provided to enable the County to purchase Suburban Policy Area open space to offset the density proposed by the development. In the past, the Board has historically accepted \$3,800 - \$5,000 per easement.

The proposed project will potentially add 445 multi-family (MF) residential units in an area of the County where high-density residential development is not envisioned or supported by Plan policies (see Land Use discussion above). The draft proffer statement (Proffer VI.C) offers a contribution of \$134.81 for each residential unit constructed on the property to the Open Space Easement Program to be used for the purchase of open space or to provide active recreation facilities east of the Route 28 in the Suburban Policy Area of the County. This contribution would equal \$59,990.45 (to escalate in accordance with the Consumer Price Index from the base year of 2008) if the project fully builds out as currently proposed. The total proposed contribution is less than the accepted contribution range of \$62,890 to \$82,750 (based on 16.55

easements at \$3,800 to \$5,000 per easement) for high-density residential communities (Attachment 3). The accepted contribution range of \$3,800 to \$5,000 per easement does not seem reasonable given current market values and the goal of purchase of open space in the Sterling Community.

Furthermore, because the Plan does not anticipate the development of high-density residential uses on the subject site, it does not seem appropriate to calculate the number of anticipated open space easements using that methodology. The open space calculations for residential projects may be more appropriate in this case, which call for a contribution of between \$1,298,650 and \$1,708,750 (based on 341.75 easements at \$3,800 to \$5,000 per easement) (Attachment 2). The Department of Parks, Recreation and Community Services (PRCS) in their April 2, 2009 referral expressed concern that this application alone will have an immediate impact on existing public recreation facilities in the area as the proposed on-site amenities will not completely satisfy the recreational needs of future residents of this project. PRCS recommended that the Applicant commit to further develop existing public recreational facilities within a 1-mile radius of the project area by proffering to a specific public park improvement. Community Planning staff supports this recommendation.

Staff recommends the Applicant provide a more substantial open space preservation contribution.

12. MODIFICATIONS

The Applicant has also requested three modifications to Section 4-205 and 4-206 of the Revised 1993 Loudoun County Zoning Ordinance in order to permit setback reductions and vehicular access to major collector roads. The application does not include written justification for each proposed modification addressing how such a modification will meet the standards in Section 6-1504, Modifications of the Revised 1993 Loudoun County Zoning Ordinance which state that "*No modification shall be approved unless the Board of Supervisors finds that such modification to the regulations will achieve an innovative design, improve upon the existing regulations, or otherwise exceed the public purpose of the existing regulation.*" Absent the required justification, staff cannot support the proposed modifications.

RECOMMENDATIONS

Community Planning recommends denial of this application as it is inconsistent with the Plan's vision for properties within the Route 28 Tax District that are designated for Keynote Employment development. Should this application be considered further, staff has identified a number of concerns relating to the proposed land use mix, phasing and office commitments, retail demand, existing conditions, the lack of site design commitments, and pedestrian and bicycle connectivity that should be resolved through revisions to the draft proffer statement and the rezoning plat. Staff further recommends that the project mitigate their total impacts on capital facilities and provide more

substantial commitments regarding unmet housing needs and the Open Space Preservation Program.

ATTACHMENTS

- Attachment 1: Capital Facilities Impact Analysis
- Attachment 2: Open Space Preservation Program Analysis – Residential
- Attachment 3: Open Space Preservation Program Analysis – High-Density Residential

cc: Julie Pastor, AICP, Planning Director
Cindy Keegan, AICP, Program Manager, Community Planning – via e-mail

County of Loudoun
Department of Planning
MEMORANDUM

DATE: May 14, 2009
TO: Ginny Rowen, Project Manager
FROM: Heidi Siebentritt, Historic Preservation Planner
Community Information and Outreach

**SUBJECT: ZMAP 2002-0017, SPEX 2008-0026 & SPEX 2008-0027, Parc Dulles II
Archaeological Resources**

BACKGROUND

DTC Partners, LLC is requesting approval to rezone approximately 34.1 acres from the PD-IP (Planned Development – Industrial Park) zoning district to PD-CC(CC) (Planned Development – Community Commercial Center) and R-24 (Multi-family Residential) in order to develop up to 445 multi-family residential units and 117,000 square feet of commercial uses. The Applicant is also requesting Special Exceptions to locate a fire and rescue station on the subject site (SPEX 2008-0026) and to allow office uses exceeding 20% of the total floor area within the PD-CC(CC) district (SPEX 2008-0027). The subject site is located in the northwest quadrant of the intersection between Nokes Boulevard and City Center Boulevard within the Dulles Town Center development.

The second referral prepared by the Community Planning Division dated April 29, 2009, notes the presence of archaeological site 44LD947 in the southeastern portion of the property. Site 44LD947 has been identified at the Phase 1 survey level as the remains of a domestic site related to poor tenant farmers or to enslaved African Americans on the property in the early 1800s. The following comments specifically outline the appropriate treatment for this site since it has been deemed potentially eligible for listing on the National Register of historic Places by the applicant's consultant.

PLAN COMPLIANCE

The subject property is governed by the Revised General Plan and the Heritage Preservation Plan. The Revised General Plan states the County will require an archeological and historic resources survey as part of all development applications and include a plan for recordation and preservation of any identified resources, along with measures for mitigation and adaptive reuse (Revised General Plan, Chapter 5, Historic and Archaeological Resources Policy 11). The Heritage Preservation Plan specifically states that the County's primary objective is the protection and conservation of

significant archaeological resources identified during the development process (Heritage Preservation Plan, Chapter 2, Archaeological Resource Policy 9). The Heritage Preservation Plan further states that research and findings associated with archaeological surveys should be conveyed to the public, in a format that is easily understood and accessed by the general public (Heritage Preservation Plan, Chapter 2, Archaeological Resource Policy 4).

ANALYSIS

As was noted in the April 29, 2009 Community Planning second referral, the application contains conflicting information on how site 44LD947 will be treated during the development of the property. The existing conditions plat (sheet 2) submitted with the application identifies a general area in the southeastern portion of the property as an "archaeological conservation area." However, the specific dimensions of site 44LD947 are not shown. Because the site has only been evaluated on the Phase 1 level, the exact size of the site is not known. However, the outer boundaries of the site, as identified during the archaeological survey, should be shown on the plat.

The applicant's "Draft Proffer Statement" dated March 4, 2004, and revised on February 20, 2009, states that Phase II and Phase III archaeological (if warranted) studies will be undertaken prior to ground disturbance or prior to approval of site plan whichever occurs first. The Statement further states that the applicant will not be required to conduct such investigations if the site remains undisturbed.

The County's preference is the protection and conservation of significant archaeological resource. Staff recommends that the site be left undisturbed and conserved in place. To identify the exact geographical limits of the archaeological site and to evaluate whether the site is eligible for listing in the National Register, Phase limited II investigation of the site is recommended. However, the applicant may conserve the site, as defined by the boundaries identified at the Phase 1 level of survey, although this is often requires a larger conservation area.

To accomplish conservation of the site, the applicant's proffer statement should be revised to ensure that the site is not impacted during development of the property or in the future. To this end, the proffers must include a plan to conserve the site as called for in Historic and Archaeological Resource Policy 11 of the Revised General Plan.

If conservation of the site cannot be achieved, the proffer should retain the current language which stipulates that a Phase II archaeological evaluation of site 44LD947 will occur. Depending on the findings and recommendations of the Phase II, full date recovery (Phase III) excavation of the site will occur prior to ground disturbance. All reports should be forwarded to the County for review.

Staff notes that if this project will require federal funds or permits (eg: ACE permits), the project may be subject to federal review under Section 106 of the National Historic Preservation Act of 1966 (as amended). If Section 106 is required, impact mitigation for site 44LD947 will be coordinated through the Virginia Department of Historic Resources (VDHR). To ensure that any impact mitigation plans proffered with this application will be consistent and compliant with those developed by VDHR as part of Section 106 review, staff strongly recommends that if there is any possibility that the project will require federal review, the applicant coordinate with VDHR and the County as soon as possible.

RECOMMENDATION

Site 44LD947 represents the early 19th century domicile of a poor tenant farmer or of African American slaves laboring on the property. There is little information in the historic, archival and archaeological records about impoverished and enslaved people in Loudoun County. Because these populations left behind little written records, archaeological sites that represent vestiges of their lives are significant and often intact enough to provide valuable information about these individuals.

Staff recommends that archaeological site 44LD947 be protected and conserved in place. Staff recommends that a Phase II investigation of the site be conducted to ascertain site boundaries and site eligibility for the National Register of Historic Places. The Phase II may be limited in scope in the interest of site conservation. The Phase II investigation of the site would likely clarify the social, legal and economic status of the occupants of the site as well. To achieve conservation, staff recommends that the boundaries of the site (as identified by the Phase I survey or by Phase 2 evaluation) be formally mapped using GPS coordinates. The digital map data should be submitted to the County Archaeologist in the Department of Building and Development. Staff recommends a 25 foot buffer surrounding the identified periphery of the site. Staff further recommends that site 44LD947 be protected during the development of the project area with the erection of demountable metal fencing (not plastic snow or silt fencing) at the edge of the 25 foot buffer to ensure that the site is not inadvertently impacted during ground disturbing activities.

If the site is conserved in place staff recommends that all reasonable efforts be made to ensure that the site is conserved after the project area is developed. To this end staff recommends that all future plans and profiles submitted to the County and all relevant associated documents note that the site boundaries and the minimum 25 foot buffer are designated as a conservation area and shall not be disturbed. Relevant documents shall stipulate that the area will not be used as a recreation area, including play ground area, garden, etc., and that trees will not be removed from the area. If tree removal is necessary for any reason, trees must be cut, rather than grubbed or dug out and the County Archaeologist must be consulted. The proffer should identify who will own or maintain the conservation area and provide specific information on how the site should

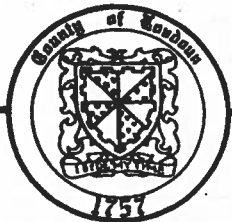
be conserved. Specifically, the conservation area cannot be used as a recreation area. There must be no ground disturbance within the conservation area, including removal or "grubbing" of trees.

Staff further recommends that if conservation of site 44LD947 (during and after development of the project area) is not pursued, Phase II archaeological evaluation of the site and, possibly Phase III excavation of the site occur prior to ground disturbance within the project area. All reports should be submitted to the County for review.

If Phase II evaluation of site 44LD947 is pursued and the site is deemed eligible for listing in the National Register of Historic Places, staff requests that the applicant include a proffer to submit a public narrative regarding the history of the site, who occupied the site, a description of the site in general and a description of features and artifacts recovered at the site, including photographs as called for in the Heritage Preservation Plan. One digital copy of the public narrative should be given to the County and one copy to the Thomas Balch Library to ensure that the information is accessible to interested citizens and researchers. The public narrative is especially valuable to augment the written, public record on historically disenfranchised individuals in the County.

Finally, staff re-iterates the importance of early coordination with the VDHR on conservation or mitigation plans for site 44LD947 should this project require federal review under Section 106.

cc: Julie Pastor, AICP, Director, Department of Planning
Michael "Miguel" Salinas, Program Manager, Community Information & Outreach
Michael Clem, Archaeologist, Department of Building and Development



LOUDOUN COUNTY, VIRGINIA

Office of the County Administrator

18 North King Street, Leesburg, Virginia 22075-2891
(703) 777-0200, Metro (703) 478-8439

At a meeting of the Board of Supervisors of Loudoun County, Virginia, held in the County Administration Building, Board of Supervisors' Meeting Room, 18 North King Street, Leesburg, Virginia, on Wednesday, April 17, 1996 at 9:00 a.m.

PRESENT: Dale Polen Myers, Chairman
Joan G. Rokus, Vice Chairman
Lawrence S. Beerman II
Jim Burton
Helen A. Marcum
David G. McWatters
Eleanore C. Towe
Steven D. Whitener
Scott K. York

IN RE: BOARD OF SUPERVISORS RESOLUTION/SUPPORT FOR NO
RESIDENTIAL DEVELOPMENT IN KEYNOTE EMPLOYMENT AREA IN
THE GENERAL PLAN AND AS BUSINESS EMPLOYMENT IN THE TOLL
ROAD PLAN

Mr. York moved that the Board of Supervisors support the following Resolution:

WHEREAS, the Board of Supervisors strongly desires the development of premier corporate offices and research and development parks to be situated along existing and future arterials;

WHEREAS, the Board of Supervisors is committed to locate regionally, nationally, and internationally oriented offices on Route 7, Route 28, and the Dulles Greenway;

WHEREAS, the Board of Supervisors, in various County planning documents, has designated specific areas for the development of such Keynote Employment uses;

WHEREAS, the Board of Supervisors recognizes that certain business and industrial development should be homogenous in land use;

A-43a

April 17, 1996

Page 2 of 2

Board of Supervisors Resolution/
Support for No Residential Development
In Keynote Employment Area In The General
Plan and as Business Employment in the Toll
Road Plan

WHEREAS, the conversion of designated Keynote Employment areas to residential development defeats the Board's economic development goals for these key employment corridors;

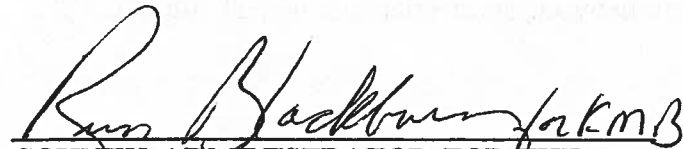
THEREFORE, BE IT RESOLVED, that the Board of Supervisors will not support zonings for new residential developments in the areas specifically designated as Keynote Employment on the Specified Use Map in the General Plan and as Business Employment on the Land Use Map in the Toll Road Plan, generally identified as:

1. The north and south sides of Route 7 west of Route 28 to Route 659 between the proposed north and south parallel roads;
2. The Route 28 corridor;
3. The Dulles Greenway corridor from Dulles Airport west to Route 772
4. The Route 772 corridor north to Route 625; and,
5. The Route 607 corridor from south of the Dulles Greenway north to Route 625.

Seconded by Mrs. Towe.

Voting on the Motion: Supervisors Myers, Beerman, Burton, Marcum, McWatters, Rokus, Towe, Whitener and York - Yes; None - No.

A COPY TESTE:

A handwritten signature in cursive script, appearing to read "Kim Blackburn", followed by the initials "KMB".

COUNTY ADMINISTRATOR FOR THE
LOUDOUN COUNTY BOARD OF SUPERVISORS

PLM:REAPR17B.96

A-436

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION MEMORANDUM

DATE: October 7, 2009

TO: Ginny Rowen, Project Manager, Department of Planning

FROM: Amy Lohr, Planner, Zoning Administration

CC: Marilee L. Seigfried, Deputy Zoning Administrator

RE: Outstanding Issues from the August 14, 2009 Zoning Administration referral

CASE NUMBER AND NAME: ZMAP 2002-0017, Parc Dulles II (formerly The Falls at Dulles Town Center)
SPEX 2008-0026, Parc Dulles II Fire and Rescue Site
SPEX 2008-0027, Parc Dulles II Office

TAX MAP/PARCEL NUMBER (PIN): Portion of 80/102 (029-37-6224)

Per your request, this memorandum lists outstanding issues from the Zoning Comments dated August 14, 2009. The full text of the comments listed below can be found in the April 13, 2009 and August 14, 2009 memorandums (attached). A limited number of new comments are provided, beginning on page 3.

- **Comment A.2.**
Section 3-702, Size and Location. Staff continues to recommend a public road be built through the site.
- **Comment A.3.**
Section 4-204, Special Exception Uses (B) Community Center (7), Fire and/or rescue station. There are still numerous issues concerning the fire/rescue site including size, vehicular circulation, potential conflicts between residential/commercial users and the fire/rescue vehicles, and noise.
- **Comment A.4.**
Section 6-1211(E), Zoning Map Amendments. The proposed rezoning runs counter to a number of the matters for consideration in Section 6-1211(E), including matters (1), (8), (10), (11), and (13).

- **Comments A.5., A.6., A.7., and B.1.**

Sections 3-701, Purpose; 3-702, Size and Location; 4-201, Purpose; and 6-1211(E)(1) Zoning Map Amendments. Rezoning to the R-24 and PD-CC(CC) districts is not consistent with the Comprehensive Plan.

- **Comment B.3.**

Section 6-1211(E)(8), Zoning Map Amendments. Staff maintains that the current zoning is economically viable and is preferable to the proposed R-24 and PD-CC(CC) districts.

- **Comment B.4.**

Section 6-1211(E)(10), Zoning Map Amendments. The planned use of the property is Keynote Employment and is an area desirable for regional office and/or research and development centers as opposed to the high density residential, retail, and small scale office uses proposed.

- **Comment B.5.**

Section 6-1211(E)(11), Zoning Map Amendments. Rezoning to the R-24 district in this location reduces the potential for future industrial and business growth in the Route 28 Tax District.

- **Comment B.6.**

Section 6-1211(E)(13), Zoning Map Amendments. The most appropriate use of the land is regional office and/or research and development centers.

- **Comment B.10.**

Section 6-1310(C), Issues for Consideration. No specific measures addressing the level and impact of any noise emanating from the fire/rescue site have been offered by the applicant.

- **Comments B.11., B.14., and B.15.**

Sections 6-1310(E), (J), and (O), Issues for Consideration. There are still numerous issues concerning the fire/rescue site including size, vehicular circulation, potential conflicts between residential/commercial users and the fire/rescue vehicles, and noise.

- **Comment B.20.**

Section 7-1003(E), Active Recreation Space. On the Rezoning Plat (sheet 4), the areas labeled "Approximate Active Rec Space" add up to less than the required 86,400 square feet. The response (p. 8) acknowledges that the area shown is 84,000 square feet. Staff maintains the minimum area required should be demonstrated on the plat.

- **Comment B.31.**

Per the Loudoun County Mapping System, the road segment between Dulles Town Circle and City Center Boulevard is Dulles Town Circle, not Haleybird Drive as labeled on sheet 4. Revise the street name accordingly.

- **Comment C.1.**

Modification to Section 4-205(C)(2). Modify the yard requirements between the commercial center and the adjacent R-24 district. Reduce the yard for buildings, parking, areas for collection of refuse and loading areas from 100 feet to 50 feet, provided that no outdoor storage, areas for collection of refuse or loading areas shall be visible from residential areas and parking shall be screened to the extent feasible. Provide a 25-foot minimum type II rear yard buffer.

Staff Comment: Staff does not support this modification in the area adjacent to the public use site. Staff reiterates that the building layout for the fire/rescue site on sheet 6 meets Section 4-205(C)(2), demonstrating that a modification is not warranted for the building. Staff again suggests that the phrase, "to the extent feasible" be removed from the proposed language. This wording is too subjective and does not offer clear requirements for the screening of parking.

- **Comment C.3.**

Modification to Section 4-206(D). Community centers shall provide convenient and coordinated vehicular access to public roadways only via collector roads. This modification proposes access to a public roadway (Nokes Boulevard) via a private access easement.

Staff Comment: Staff does not support this modification and continues to recommend a public road be built through the site.

- **Comment D.9.**

In regard to proffer V.B., staff suggests the applicant construct the full four-lane continuation of Haleybird Drive, as opposed to a 2-lane half section.

- **Comment D.14.**

Specimen trees to be saved are noted on sheet 4. However, Proffer VIII.C. does not address these trees or include specifications for them. Staff suggests the proffer include provisions for specimen trees and defers to the Environmental Review Team (ERT) for specific comment on this issue.

New Comments:

1. SPEX 2008-0027 has been amended to increase the requested amount of office from 40,000 square feet to 100,000 square feet. This increases the amount of office in the PD-CC(CC) district from 34% to 85%. This is not consistent with the purpose of the PD-CC(CC) district to serve the retail shopping needs of the surrounding community (see Section 4-201). This special exception has the potential to eliminate all retail/service uses from the shopping center. Office uses should not be the predominate use in a PD-CC(CC) district. If the applicant intends to develop 100,000 square feet of office, the appropriate district is PD-OP. Finally, staff questions whether the applicant's traffic

study is consistent with the potential to develop 100,000 square feet of office, all of which all may be medical and dental office.

2. A stream valley plan (sheet 8) has been added to the plan set. Staff defers to the ERT for comment on this plan.
3. On sheet 4, yard requirements have been shown based on Article 7, Affordable Dwelling Units (ADUs). However, proffer I.A.1.a seems to suggest that ADUs will be provided only if required by Article 7. As the layout demonstrated on sheet 4 takes advantage of Article 7, the related proffer should simply state that 6.25% of the units built will be ADUs.
4. On sheet 4, 25-foot rear yards are noted at the district boundary. As the district boundary is not currently a lot line, a rear yard does not exist in this area. Staff suggests removing the three labels noting a "25' rear yard." The labels related to *buffer yards* should be retained. All yards shall be provided in accordance with Section 7-1000 at the time of site plan.
5. In the preamble (line 7) and in proffer I.A. (line 2), staff suggests sheet 8 be listed as a proffered sheet.
6. As noted in new comment 1. above, staff does not support the potential for office as the predominant use in the PD-CC(CC) district and suggests proffer I.A.2.a. be revised. Further, the current language is confusing, making it seem as though 160,000 sf shall be made available for development. The applicant cannot simultaneously have 160,000 sf available, when only 100,000 sf is permitted.
7. Staff suggests deleting proffer I.B. If retained, staff suggests "Section 3-700" be changed to "Sections 3-700 and 7-1000" to account for compliance with Article 7.
8. In proffer I.B., the phrase "Zoning Ordinance" is underlined in line 3, but not in line 2. Please remove the underlining in line 3.
9. In proffer VI.B.1., revise the order of the paragraph to first provide for submittal of a record plat to create the parcel within 60 days of approval of ZMAP 2002-0017, then dedication within 60 days of approval of the record plat.
10. In proffer VI.B.1., line 7, the term "materially adversely impact" is used. Staff is unclear as to the meaning and intent of this and suggests clarification.
11. In proffer VI.B.1., line 9, the phrase "but before dedication to the County" does not make sense in the context of the rest of the sentence. Staff suggests this sentence be clarified.
12. Proffer VIII.C. uses the term "Concept Development Plan", yet no sheet is titled in this manner. Staff suggests "the Concept Development Plan (CDP)" be changed to "Sheet 4 of the Rezoning Plat."
13. In Proffer VIII.C., staff suggests that Tree Conservation Areas also be required to be delineated on all site plans.
14. Proffer VIII.F. requires the Owner to submit a determination, but does not specify to whom. Rather than submitting a determination, staff suggests that substantial conformance be proffered to sheet 8 and that the re-vegetation plan, submitted with the first site plan, substantially conform to sheet 8.
15. In proffer VIII.H., lines 9 and 10, the term "commercially reasonable efforts" is used. Staff is unclear as to the meaning and intent of this and suggests clarification.

16. In proffer VIII.H., in the 3rd line of the last paragraph, please change "Applicant" to "Owner." Please ensure that a consistent term is used throughout the proffer.

COUNTY OF LOUDOUN
DEPARTMENT OF BUILDING AND DEVELOPMENT
ZONING ADMINISTRATION REFERRAL

DATE: August 25, 2008

TO: Ginny Rowen, Project Manager, Department of Planning

THROUGH: Marilee L. Seigfried, Deputy Zoning Administrator

FROM: Amy Lohr, Planner, Zoning Administration

CASE NUMBER AND NAME: ZMAP 2002-0017, Parc Dulles II (formerly The Falls at Dulles Town Center), 5th Review
SPEX 2008-0026, Parc Dulles II Fire and Rescue Site, 1st Review
SPEX 2008-0027, Parc Dulles II Office, 1st Review

TAX MAP/PARCEL NUMBER (PIN): Portion of 80/102 (029-37-6224)

Staff has reviewed the referenced **rezoning** (ZMAP) and **special exception** (SPEX) applications to include the materials identified on the transmittal sheet dated April 4, 2008 and received April 18, 2008 (attached). This 34.1-acre portion of 80/102 is currently zoned PD-IP (Planned Development-Industrial Park) under the 1993 Loudoun County Zoning Ordinance. The applicant proposes to rezone 22.9 acres to the R-24 (Multifamily Residential) district and 11.15 acres to the PD-CC(CC) (Planned Development-Commercial Center(Community Center)) district. Special exceptions are proposed for two uses in the PD-CC(CC) district including a fire and rescue station per Section 4-204(B)(7) and office uses (administrative, business, professional, medical and dental) in excess of 20% of the total floor space of the community center per Section 4-204(B)(3).

A. CRITICAL ISSUES

1. **Section 6-1310, Issues for Consideration.** The applicant shall address this section in the statement of justification or special exception plat. The applicant has not addressed this section for the two proposed special exception uses. Please revise the statement of justification and plats accordingly.
2. **Section 6-1504, Modifications.** Sheets 4, 6 and 7 note modification of Sections 4-205(C)(2) and 4-205(C)(3). The applicant needs to provide a written justification for each modification addressing how the modifications will achieve an innovative design, improve upon the existing regulation or otherwise exceed the public purpose of the existing regulation.

3. **Sections 1-205(A)/5-900(C), Lot Access Requirements/Access from major roads.** New access points (public or private) to major collector roads are limited to locations at existing median breaks, planned median breaks or other locations approved by Loudoun County or VDOT. Three new access points are shown, only one of which appears to be located at an existing median break. Staff is concerned that the access point to City Center Boulevard and access point to Nokes Boulevard with a directional median break will not meet these sections of the Ordinance. There is no need for a median break on City Center Boulevard, as the Haverty's furniture store across the street does not have access to City Center Boulevard. The applicant needs to demonstrate that VDOT will approve all three access points shown on the CDP. Staff notes that modifications may be requested for PD Districts only; therefore, these sections may not be modified for the City Center Boulevard access point in the R-24 district.
4. **Section 3-702, Size and Location.** R-24 districts shall be located abutting arterials and major collector roads, with direct access to such roads provided only via minor collector roads. By definition, a minor collector is a publicly owned and maintained road. Sheet 4 illustrates access via a private access easement to City Center Boulevard, which does not meet this section of the Ordinance. Revise the CDP to provide a public minor collector road into the R-24 district from City Center Boulevard. Staff notes that this provision may not be modified. Finally, revise Proffer V.A. which indicates that all roads for access to and within the Property are private roads.
5. **Section 4-204, Special Exception Uses (B) Community Center (3), Office.** The applicant requests special exception approval for office uses exceeding 20% of the total floor area of the community center. The applicant needs to clarify on sheets 4 and 7 the total amount of office square footage being proposed for the community center. Further, sheet 7 is confusing in that the limits of special exception include a 1.9 acre site with 30,000 square feet of office (25.6%), yet office uses are also shown in the buildings outside the limits of special exception. Likewise, five buildings are labeled "office/retail" on sheet 4. Sheet 4 is not consistent with sheet 7. The building at the corner of City Center and Nokes Boulevards is labeled "office/retail" on sheet 4, but "office" on sheet 7. Please resolve this discrepancy. Finally, staff questions whether the applicant will commit to providing a 30,000 square foot office building of at least two stories in the location shown on sheet 7 through a condition of approval.
6. **Section 4-204, Special Exception Uses (B) Community Center (7), Fire and/or rescue station.** Staff has serious concerns about the size and layout of the proposed fire/rescue site. As noted in the June 17, 2008, referral from the Department of Fire, Rescue and Emergency Management, public uses of this type typically require 5 buildable acres. Only two acres are provided. The return route through the shopping center requires fire/rescue vehicles to travel along a road with angled parking, such that motor vehicles will back up into the return route, creating the potential for conflicts between motor vehicles and fire/rescue vehicles. Given the 45 mph design speed of Nokes Boulevard, staff is also concerned that fire/rescue vehicles will not be able to safely cross Nokes

Boulevard to travel east. Sheet 6 illustrates a one-way travel lane parallel to Nokes Boulevard that will allow motor vehicles from the shopping center to enter the designated exit and return routes for the fire/rescue site, which is not desirable. There are also two access points from the north that intersect with the return route. The current design creates multiple conflict points between the residential/commercial users and the fire/rescue vehicles. The level and impact of noise generated by the fire/rescue use should be addressed in the next submission as well as any mitigation measures. Overall, the proposed site is not large enough and the poorly configured internal and external vehicle circulation will pose hazards to both those using the shopping center and to fire/rescue personnel. Finally, the limits of special exception need to be revised to include the "return route" shown on sheet 6. Based on the aforementioned issues, staff does not support approval of SPEX 2008-0026 for a fire/rescue station at this time.

7. **Section 4-206(D), Vehicular Access.** The PD-CC(CC) district shall provide convenient and coordinated vehicular access to public roadways only via collector roads. By definition, collector roads are publicly owned and maintained. Sheet 4 illustrates access to Nokes Boulevard via private access easements. Neither access point to Nokes Boulevard meets this section of the Ordinance. Vehicular access points to Nokes Boulevard need to be upgraded to public collector roads. The applicant may request a zoning modification to this section.

B. OTHER ISSUES

1. **Section 6-1211(E)(1) - *Whether the proposed zoning district classification is consistent with the Comprehensive Plan.*** The statement of justification (p. 7) indicates that the property is governed by the Retail Plan and states that destination retail policies apply to the site. This appears to be incorrect, as the subject rezoning area is not within the comprehensive plan overlay mapped as destination retail per the Loudoun County Mapping System. While portions of Dulles Town Center have a destination retail overlay, this 34-acre site does not. As this rezoning will stand alone from the other approved and active rezonings in Dulles Town Center, staff does not agree with the applicant's assessment of this site as subject to the destination retail policies. Staff defers to Community Planning for further comment on consistency with the Revised General Plan.
2. **Section 6-1211(E)(3) - *Whether the range of uses in the proposed zoning district classification are compatible with the uses permitted on other property in the immediate vicinity.*** Properties to the south and east of the proposed rezoning are zoned PD-IP and currently include office, warehouse and flex industrial uses. In general, residential uses are not compatible with the industrial uses permitted in the PD-IP district. Staff recommends a 50-foot side yard and additional landscaping/screening where the proposed community green & tot lot adjoin the existing PD-IP district. The last submission included a 50-foot open space area where residential uses adjoined the PD-IP district.

3. **Section 6-1211(E)(7)** - *The impact that the uses that would be permitted if the property were rezoned will have upon the volume of vehicular and pedestrian traffic and traffic safety in the vicinity and whether the proposed rezoning uses sufficient measures to mitigate the impact of through construction traffic on existing neighborhoods and school areas.* Proffer V.D. states that construction traffic will be directed to access the property via City Center Boulevard or Haleybird Drive. As stated in previous zoning referrals, it would seem that construction traffic should be diverted away from Haleybird Drive because it serves the residential community to the north.

4. **Section 6-1211(E)(8)** - *Whether a reasonably viable economic use of the subject property exists under the current zoning.* The statement of justification (p. 14) states that the "majority of the Property is currently zoned PD-IP." This is not accurate, as the whole site subject to this rezoning is zoned PD-IP. Revise the statement of justification accordingly.

Staff concurs with the June 16, 2008, referral from Economic Development which encourages retention of the property for commercial development with the emphasis on office and flex uses. The current zoning not only provides for a reasonably viable economic use of the property, but is also preferable to the proposed R-24 and PD-CC(CC) districts from an economic development standpoint.

5. **Section 6-1211(E)(9)** - *The effect of the proposed rezoning on the environment or natural features, wildlife habitat, vegetation, water quality and air quality.* Staff defers to the Environmental Review Team (ERT) for comment on the impact to the environment or natural features, wildlife habitat, vegetation, water quality and air quality.

6. **Section 6-1211(E)(10)** - *Whether the proposed rezoning encourages economic development activities in areas designated by the Comprehensive Plan and provides desirable employment and enlarges the tax base.* The planned use of the property is Keynote Employment and is an area desirable for regional office and/or research and development centers as opposed to the high density residential, retail and small scale office uses proposed. Staff defers to Community Planning and Economic Development for further comment on this issue.

7. **Section 6-1211(E)(11)** - *Whether the proposed rezoning considers the needs of agriculture, industry, and businesses in future growth.* Staff concurs with the June 16, 2008, referral from Economic Development which notes that removal of land from the Route 28 Taxing District is a serious concern and negatively impacts the overall district. The proposed rezoning reduces the potential for future industrial and business growth.

8. **Section 6-1211(E)(13)** - *Whether the proposed rezoning encourages the conservation of properties and their values and the encouragement of the most appropriate use of land throughout the County.* As noted above in Comment B.6, the most appropriate use of the land is regional office and/or research and development centers.

9. **Section 6-1211(E)(15) - *The effect of the proposed rezoning to provide moderate housing by enhancing opportunities for all qualified residents of Loudoun County.*** Page 16 of the statement of justification cites 38 affordable dwelling units (ADUs) while page 5 notes 26. Twenty-six ADUs are also indicated on sheet 4 of the plat. With 445 proposed units, the minimum number of ADUs required is 28. Revise the statement of justification and sheet 4 of the plat accordingly.
10. **Section 6-1209(F), Substantial Conformance Defined.** A reasonable margin of adjustment due to final design or engineering data is allowed pursuant to this section. Therefore, under the "notes" at the bottom of sheet 4, delete the first sentence which reads "all building and parking areas are illustrative in nature and are subject to final layout, design, and engineering."
11. **Section 3-701, Purpose.** R-24 districts shall be mapped in locations designated primarily for infill development or in other locations consistent with the Comprehensive Plan. See comments B.1 and B.6 above in regard to consistency with the Revised General Plan.
12. **Section 3-702, Size and Location.** Section 3-702(C) requires the location of R-24 districts to be consistent with the Comprehensive Plan. See comments B.1 and B.6 above in regard to consistency with the Revised General Plan.
13. **Section 3-706(D), Length/Width Ratio.** Under the lot requirements for the R-24 district (sheet 4) state the length/width ratio requirement of 6:1 maximum.
14. **Section 7-1003(E), Active Recreation Space.** Four-hundred and forty-five (445) units are proposed, requiring 28 ADUs, resulting in 417 market rate units. The required square footage of active recreation space is 86,400 s.f. Revise the active recreation figures on sheet 4 accordingly. Areas of active recreation shall be accessible to all residents by means of internal pedestrian walkways. Address access to both the clubhouse/pool and community center/tot lot. The Village Green must be flat, open, well-drained usable space to fulfill the requirements of active recreation space. In regard to proffer VIII.B. (p. 5), the listed active recreation space is well below the required 86,400 s.f. Revise the proffer to ensure that the required amount is provided.
15. **Section 4-201, Purpose.** Commercial centers shall be located in areas recommended by the Comprehensive Plan. See comments B.1 and B.6 above in regard to consistency with the Revised General Plan. Address the location of service areas in the shopping center. Delivery and service vehicles should be routed to minimize conflicts with other motor vehicles at the shopping center. Staff again notes concern in locations where fire/rescue vehicles will mix with shopping center traffic. Demonstrate that the center's design and landscaping/buffering serve to protect property values in the surrounding neighborhoods.
16. **Section 4-202, Purpose, Size and Location of Individual Districts (B) Community Center (CC).** Community Centers shall be designed, landscaped and buffered so as to be

compatible with neighboring development. Address how the proposed center achieves this standard.

17. **Section 4-203, Permitted Uses.** In the zoning tabulation on sheet 4 and on the CDP drawing (building labels), proposed uses include "retail." Staff notes that "retail" is limited to "retail sales establishment" under Section 4-203(A)(23). This conflicts with the illustrative plan (sheet 5) which includes buildings labeled pharmacy and bank rather than retail. Staff suggests that proposed uses be revised to "permitted PD-CC(CC) uses" on sheet 4. Although the illustrative plan is not proffered, it should not conflict with the CDP.
18. **Section 4-205(C), Yards. (1) Adjacent to Roads. (b) Community Center (CC).** Staff notes that the parking areas located between the buildings and Nokes Boulevard shall not be visible from any road.
19. **Section 4-206(B), Floor Area Ratio.** In the PD-CC(CC) zoning tabulation on sheet 4, the proposed FAR is .25 maximum. In the zoning tabulation on sheet 7, the proposed FAR is .18 maximum for the PD-CC(CC) district overall. Please resolve this discrepancy.
20. **Section 4-207(D), Site Planning - Internal Relationships (1).** All utility distribution lines in the PD-CC district shall be placed underground. Revise general note 16 on sheet 1 to also reference the PD-CC-CC district.
21. **Section 5-1100, Off-Street Parking and Loading Requirements.** The parking rate for shopping centers is based upon the square footage of the center. This center is proposed to be over 60,000 square feet. Therefore, the rate of 4/1000 sq. ft. of GFA applies, not 6/1,000 sq. ft. as stated in the zoning tabulation on sheet 4. Additionally, since this is a shopping center, the office and retail uses are both parked at the shopping center rate, rather than calculated separately. Revise the zoning tabulation on sheet 4 accordingly. With regard to the fire/rescue use, please confirm with the Department of Fire, Rescue and Emergency Management that 35 spaces is adequate parking for a 17,000 square foot facility.
22. **Section 5-1200, Sign Regulations.** Per section 5-1202(A)(1), signs located on a property other than which it directs attention are not permitted. Remove the off-site sign shown on sheets 2, 4 and 6 if it is a new sign proposed with this development. Otherwise, show this sign on the existing conditions plan only (sheet 2).
23. **Section 5-1400, Buffering and Screening.** Staff finds the elevation drawings somewhat misleading. The plantings shown appear to be at or close to maturity, representing denser landscaping than will be achieved for several years. For example, the canopy trees shown reach a second story height and the evergreen trees exceed six feet in height. For clarity, the point at which the landscaping will reach the heights shown (i.e. 10-year maturity)

should be noted on the elevation.

Per Section 5-1407, buffer yards shall be located along the perimeter of a lot or parcel. If approved, the fire/rescue site will be on its own lot and the current layout proposes pavement along the future property line, preventing the installation of a buffer. The 25' buffer shown between the travel aisle and the building (sheet 6) is not adequate as it does not measure the full 25-foot width or run the length of the property. The layout should be revised to provide the full buffer width along the perimeter of the future lot, especially given the request to reduce the required 100-foot yard to 50 feet. Per the Buffer Yard and Screening Matrix, a type 1 buffer is required adjacent to the multi-family use. Therefore, a condition of approval ensuring the 25-foot type 2 buffer is requested. Also, the yard adjacent to the multifamily use is a rear yard, not a side yard and should be relabeled. Finally, the yard adjacent to the retail center is a side yard, not a front yard and should be relabeled.

The elevation drawing for the area between the R-24 and PD-CC(CC) districts (sheets 4 and 6) is not consistent with the plan view and should be revised. Additionally, the elevation should be revised to note the correct buffer yard (i.e. front, side, or rear) as explained above.

24. **Section 5-1504, Light and Glare Standards.** All sources of glare (direct or reflected artificial light) from any source, except as exempted by this section, must not cause illumination in excess of 0.25 foot candles above background light levels measured at the boundary between the PD-CC(CC) district and the R-24 district. Compliance with this standard shall be demonstrated on the site plan.
25. **Section 5-1508, Steep Slope Standards.** General note 23 (sheet 1) indicates that no steep slopes exist on the property and sheet 2 contains a note stating that no natural steep slopes exist. The Loudoun County Mapping System illustrates both moderately steep slope areas and very steep slope areas. The steep slope standards do not apply to slopes created by permitted land disturbing activities, such as, but not limited to, building and parking pad sites; berms; temporary construction stock-piles; and road-side ditches. If the steep slopes present on the site are man-made, please provide documentation (i.e. grading permit #, CPAP #) of the permitted land disturbing activity that created these steep slope areas. Otherwise, revise the steep slope notes and illustrate steep slope areas on the existing conditions plan and CDP.
26. There are several access points between the R-24 and PD-CC(CC) districts. With the exception of the major travelway, the access drives between districts are not directly across from one another. Review the placement and alignment of all access points between the two districts.
27. In regard to proffer I.A., in addition to noting the maximum number of dwelling units, also state the maximum square footage proposed in the PD-CC(CC) district.

28. In the event SPEX 2008-0026 is approved, staff suggests a condition of approval (similar to proffer V.B.) for a signal specifically regulating traffic on Nokes Boulevard to allow fire/rescue vehicles safe ingress/egress.
29. Page 5 of the statement of justification states that 40,000 s.f. of office uses are proposed (10,000 s.f. by special exception). However, 30,000 s.f. of office uses represent 25.6% of the floor area of the center. By-right office may not exceed 23,400 s.f. (16,600 s.f. is by special exception). Revise the table on sheet 5 accordingly and ensure that the statement of justification and plan sheets are consistent.
30. Page 11 of the statement of justification indicates that conceptual elevations are included in the submission packet. Staff did not receive any additional design materials and would like to review the conceptual elevations. Additionally, staff urges the development of proffered design guidelines for this rezoning.
31. The ERT referral dated June 20, 2008, suggests rezoning to the PD-MUB district. Should the applicant wish to pursue this district, please contact the Project Manager so that she may arrange a meeting with the applicant and all appropriate staff to discuss this option prior to resubmission. Rezoning to the PD-MUB will require substantial revisions to the layout and design of the project.
32. Review the scale on sheet 7. It appears to be 1:40, not 1:30.
33. General note 13 (sheet 1) states that the applicant will incorporate low impact design (LID) methods at the time of site plan. Staff recommends that specific provisions for LID be included in the proffer statement.
34. Delete general note 17 (sheet 1). Existing wells and/or septic systems cannot be retained for the site.
35. General note 18 (sheet 1) references "any residential structures." However, a note of this nature typically applies to single family development. Ensure that the stated restrictions will apply to multi-family buildings. It may be appropriate to include provisions for development on hydric soils in the proffer.
36. On sheet 1, revise the sheet index to correct the numbering.
37. On sheets 2 and 4, delete all references to the "(PD-H30)" district. The adjoining property is zoned R-16.
38. In the zoning tabulation for the R-24 district (sheet 4), the provided open space is 6.3 acres, with 2.0 acres in internal neighborhood parks and 1.4 acres in major natural save area. Where is the remaining 2.9 acres?

39. In the modification narrative for Section 4-205(C)(3) on sheets 4 and 6, revise the fifth line to insert the word "non" in front of the word "residential."
40. On sheets 4, 6 and 7, under the R-24 and PD-CC(CC) zoning tabulations, the word "collector" is misspelled.
41. On sheet 4, the word "office" is misspelled on the plan drawing.

MEMORANDUM

TO: Ginny Rowen, Department of Planning (#62)

FROM: Larr Kelly, Zoning Division, Department of Building and Development (#60)

DATE: October 5, 2009

RE: ZMAP 2002-0017: Parc Dulles II

As requested, I have reviewed the revised draft proffers, dated August 31, 2009, for the above referenced Zoning Map Amendment application. Pursuant to this review, I offer the following comments:

1. In regard to the preamble, and in proffer I.A., I note that the applicant has indicated that the Rezoning Plat was last revised August 26, 2009. While this date is found on the cover sheet of the Parc Dulles II plan set, all of the pages, specifically including Sheet 4, have a last revision date of August 31, 2009. I suggest that this inconsistency be eliminated.
2. In regard to proffer I.A.1.b., I note that the applicant states that residential buildings constructed on the Property shall be designed and constructed with the "same quality" as that used in the residential project located to the north of the Property and known as Parc Dulles. It is not clear what this is intended to mean and I suggest that more specificity be provided.
3. In regard to proffer I.A.2.a., I note that the applicant has indicated that the commercial component of this site will have a maximum size of 117,000 square feet, with 17,000 available for the Public Use Site. The remaining 100,000 square feet can then be allotted as up to 60,000 square feet of retail/personal service/other uses and up to 100,000 square feet of office. I suggest that it be clearly stated that development outside of the Public Use Site shall not exceed 100,000 square feet.
4. In further regard to proffer I.A.2.a., in the last sentence thereof, the applicant refers to "open space", but does not indicate how much of the Property is to be devoted to open space. I suggest that this be clarified. I also suggest that the phrase "include in open space as shown on the rezoning Plat", be changed to "include open space in the areas shown on the Rezoning Plat".
5. In regard to proffer III.B., in the first line thereof, I suggest that the phrase "any site plan" be clarified. It is not clear if this is intended to refer to the first site plan, to each site plan, or whether there is some other meaning intended. I also suggest that it be clarified that the chosen LID measure shall be approved by the County.

6. In regard to proffer IV, I note that it refers to the "Archaeology" Area shown on the Rezoning Plat, although I note that the Rezoning Plat spells it differently, "Archeology" Area. In order to avoid any discrepancy, I suggest that the proffers and the Rezoning Plat spell the word the same way.
7. In regard to proffer V.A., I note that all of the internal roads are to be private roads. As this development is not a PDH development, and residential uses are not permitted in the PD-CC-CC zoning district, and commercial uses are not permitted within the R-24 zoning district, I am concerned with the interparcel use of off-site private streets by uses that are not permitted within the other zoning district. This concern would be extinguished if the interparcel roadway was a public road. But, given that it is a private road, I urge you to discuss the permissibility of such an arrangement with the County Attorney's Office.
8. In regard to proffer V.B., I note that while the applicant has committed to constructing the extension of Haleybird Drive, the applicant has also indicated that they shall not be responsible for obtaining any off-site right of way or easements. It is not clear whether the necessary right of way is available or not, but if any right of way is needed, it is not clear how such right of way is to be obtained. I urge staff to check on the status of right of way and easements for this extension, and if either is needed, then I suggest that this proffer is not adequate to address the situation.
9. In regard to proffer V.C., I note that the applicant has proposed to construct a traffic signal at the intersection of Haleybird Drive and City Center Boulevard "within 24 months of the issuance of an occupancy permit for the 50,000th square foot of non-residential". I suggest that the word "development" be inserted following the phrase "non-residential". However, I question the timing mechanism in this situation, as the warrant study is to be done prior to the issuance of the 300th residential zoning permit, while construction is not at all tied to the timing of the study. Additionally, as written, if the applicant were to construct the whole center at one time, then the site could well be built out before the timing mechanism is reached. Therefore, I suggest that the phrase "occupancy permit" be changed to "zoning permit". This would at least reduce the risk that the project is built out before the trigger mechanism is reached.
10. In further regard to proffer V.C., I note that there is nothing in the proffer to address what is to happen in the case where the warrant study does not support the installation of the traffic signal. I suggest that this be addressed.
11. In further regard to proffer V.C., in the second paragraph thereof, I note that the applicant has indicated the intent to include a pedestrian activated device for any signal "provided on-site". However, there are no signals provided "on-site". The

- only proffered signal is to be installed off-site at the intersection of Haleybird Drive and City Center Boulevard. I suggest that the applicant's intent be clarified.
12. In further regard to proffer V.C., I note that there is nothing contained herein to address who is to be responsible for the construction of the median break on Nokes Boulevard as shown on the Rezoning Plat. I suggest that this be clarified.
 13. In regard to proffer V.D., in the second line thereof, the applicant refers to "the Dulles Town Center development". However, it is not clear what the applicant has intended to reference. I suggest that this be clarified.
 14. In further regard to proffer V.D., in the last line thereof, I suggest that the word "hereof" be changed to "of approval of this application, ZMAP 2002-0017".
 15. In regard to proffer V.E., in the second line thereof, the applicant refers to "If, at the time of construction". The meaning of this phrase is unclear. I suggest that it be changed to read "For any construction on the Property after". Additionally, I suggest that the last sentence be rewritten to indicate that "Such a plan shall be provided prior to the issuance of the first zoning permit for the Property following the opening of the Fire/Rescue station for operation".
 16. In regard to proffer V.F.1., in the third line thereof, I suggest that the phrase "as depicted on Sheet 4 of the Rezoning Plat" be changed to "depicted on Sheet 4 of the Rezoning Plat as 'Internal Access to Public Use Site'".
 17. In regard to proffer V.F.3., in the third line thereof, I suggest that the phrase "maintenance of either the interim or permanent internal point of access" be changed to "maintenance of the interim access, if constructed, and the permanent 'Internal Access to Public Use Site'".
 18. In regard to proffer VI.A., in the second line thereof, I suggest that the word "Facility" be changed to "Facilities". Additionally, I suggest that the applicant include an escalator clause for this proposed per unit contribution.
 19. In regard to proffer VI.B., in the third sentence thereof, I suggest that it be rewritten to state "The Owner shall submit an application to create a parcel for the Public Use Site within sixty (60) days of the final unappealable approval of ZMAP 2002-0017".
 20. In regard to proffer VI.B.2., in the second line thereof, I suggest that the word "Applicant" be changed to "Owner".

21. In regard to proffer VI.B.3., in the last two lines thereof, I suggest that the phrase "and such site shall be available for park use" be changed to "and said site shall then be available for use by the County as a park."
22. In regard to proffer VI.B.4., concerning a Capital Facilities Credit, I suggest that the appraisal be conducted and the amount of the credit determined prior to approval of this application, with an appropriate adjustment made to the per unit contribution specified in proffer VI.A., rather than leaving the assignment of such credit to the zoning permit personnel.
23. In regard to proffer VI.C., in the first line thereof, I suggest that the phrase ", for use in its" be inserted following the word "County", and that a comma be inserted following the word "Program", found in the second line. Further, in the fourth line of the proffer, I suggest that the word "Contributions" be changed to "Contribution".
24. In regard to proffer VII., concerning the buy-out clause from the Route 28 tax District, I note that the referenced section of the Code of Virginia, Section 15.2-4608, requires that payment of the buy-out is to occur simultaneously with the approval of the change of zoning. I suggest that this proffer be rewritten so as to ensure that payment is received simultaneously.
25. In regard to proffer VIII.A., in the fifth line thereof, there is a reference to the extension of an off-site sidewalk to the Dulles Town Center "mall". However, as I am uncertain how a sidewalk is to be extended to the mall itself, I question whether the intent of this proffer was to extend the sidewalk to the "Dulles Town Center Circle". Either way, I suggest that this be clarified.
26. In regard to proffer VIII.C., in the seventh line thereof, I again note the inconsistent spelling of the word "archaeology" here and on the Rezoning Plat. I suggest that this inconsistency be eliminated.
27. In further regard to proffer VIII.C., in the ninth line thereof, the applicant refers to "Sections A & B on the Stream Valley Plan described on Sheet 8". However, Sheet 8, which is not a proffered sheet, shows "Section B" as being off-site. It is not clear if the applicant intended to proffer a commitment to this off-site property. I suggest that this be clarified. The applicant also refers to the areas more specifically identified as "replanting areas". However, there are no areas on Sheet 8 shown as replanting areas. There are "Reforestation Planting" areas shown and "Naturalized Planting" areas, but no "replanting areas" I suggest that the applicant's intent be clarified.

28. In further regard to proffer VIII.C., in the fourth and fifth lines of the third paragraph thereof, I suggest that the term "tree conservation area" be changed to "Tree Conservation Area".
29. In further regard to proffer VIII.C., in the second and third lines of the fourth paragraph thereof, I suggest commas be placed after the words "Areas", "plat", "Owner", and "Forester".
30. In regard to proffer VIII.D., in the first line thereof, I suggest that a comma be placed after the word "Property". Additionally, in the third line of the proffer, I suggest that a comma be placed after the parenthetical "(DEQ)".
31. In further regard to proffer VIII.D., in the tenth and twelfth lines thereof, I suggest that the word "Applicant" be changed to "Owner".
32. In regard to proffer VIII.F., in the first line thereof, I suggest that the phrase "a site plan" be changed to "the first site plan".
33. In further regard to proffer VIII.F., in the third and seventh lines thereof, the applicant again references "Section B" as shown on Sheet 8. However, Section B is shown as being off-site of the Property. I suggest that the applicant clarify their intent in regard to this reference.
34. In further regard to proffer VIII.F., I note that the applicant has stated the intent to submit a re-vegetation plan for a determination that such plan is consistent with Sheet 8. However, the proffer does not specifically indicate that the planting will be installed in accord with such plan. I suggest that this be specified.
35. In regard to proffer VIII.H.1., in the first line thereof, I suggest that the word "building" be changed to "zoning".
36. In regard to proffer VIII.H.3., I note that while Energy Star rated clothes washers will be installed in the residential component of the Property, there is no mention of clothes dryers. I suggest that consideration be given to including clothes dryers in the list of Energy Star efficient appliances that the applicant will install.
37. In regard to proffer IX.A., in the seventh and eighth lines thereof, I suggest that the phrase "service to the Property are no longer provided by an incorporated volunteer fire and rescue company" be changed to "services to the Property are no longer provided by volunteer fire and rescue companies".
38. In regard to proffer X., in the first line thereof, I suggest that the phrase "whichever is first in time," be inserted following the phrase "site plan,". I also suggest that it be indicated that the paperwork necessary to subject the Property to

the existing Owners Association for Dulles Town Center shall be submitted to the County for review and approval prior to approval of the first record plat or site plan, whichever is first in time. Additionally, I note that it appears that both the residential and the commercial portions of the Property will be subjected to the same Owners Association. If any other intent is desired, I suggest that this be clarified.

39. These proffers will need to be signed by all landowners, and be notarized, prior to the public hearing on this application before the Board of Supervisors.

From: Marsh, William
Sent: Tuesday, October 13, 2009 5:02 PM
To: Goode, Ann E.
Cc: rowen, ginny; Hoffman, Zeb; Edmonds, Laura
Subject: RE: Parc Dulles II follow-up

Annie,

My stormwater concern relates to having taxpayers fund construction of a stormwater facility that will be removed later. I still recommend that the applicant build sufficient stormwater treatment for the public use site and reflect such in proffers and cdp. This can be done by the applicant *independent* of timing of residential and/or commercial construction.

It has been ERT's recommendation throughout the stream valley plan discussion to have Segment B replanting linked to Dulles Town Center rezoning, not Parc Dulles. And ERT would not have a problem with removing Sheet 8 from the plan set and proffer references, provided that the Sheet 8 notes and specifications are accounted for in the remaining proffers and plan sheets. Including segment B in the Dulles Town Center rezoning application creates more continuity with the revegetation plan.

ERT is also available to discuss other issues mentioned in last Friday's email. Thanks!

William

From: Goode, Ann E. [mailto:AGoode@ReedSmith.com]
Sent: Tuesday, October 13, 2009 1:20 PM
To: Marsh, William
Cc: rowen, ginny; Hoffman, Zeb
Subject: FW: Parc Dulles II follow-up

William, thanks for your comments.

On the proffer related to stormwater management, is it clear that a temporary facility was added because a permanent facility must be site planned with the residential section and no one would want a fire station to be held up by timing and review of the R-24 district. Does that clarify why there is a separate timing mechanism, or are you opposed to a temporary facility for other reasons?

Also, a question about the Stream Valley Plan: you note that Section B should go with DTC and not Parc Dulles II. I am wondering why? Section B is part of the existing Parc Dulles so we thought that doing installation concurrently with any work on Parc Dulles would be the preferred approach.

Also, Ginny/William, a question/comment for you. A couple of reviewers noted that Sheet 8 should be proffered. Because sheet 8 includes sections that are in DTC and not Parc Dulles, this seemed problematic to me. We have a separate proffer for the Stream Valley Plan (VIII.F) which specifies that Sections A and B must be installed consistent with Sheet 8. Any thoughts?

Annie

From: rowen, ginny [mailto:Ginny.Rowen@loudoun.gov]
Sent: Tuesday, October 13, 2009 9:08 AM
To: Goode, Ann E.
Subject: FW: Parc Dulles II follow-up

ATTACHMENT 1-D

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A – Here are the final ERT comments - G

From: Marsh, William
Sent: Friday, October 09, 2009 4:47 PM
To: rowen, ginny
Cc: Lohr, Amy; Edmonds, Laura; milin, sarah; Gardner, Stephen
Subject: Parc Dulles II follow-up

Ginny,

Here is a summary of my review of the applicant's proffer statement and CDP –

Proffer preamble – Sheet 8 should also be specified.

Proffer IIIA and C – ERT recommends that applicant proffer to construct the permanent BMP for the fire station instead of just leaving a temporary easement.

VIII C – tree conservation. ERT recommends designating Section A of replanting with a conservation easement. Per paragraph 3 of proffer, damaged tree removal and replacement should happen prior to first occupancy permit for the appropriate building instead of prior to bond release.

VIII D – ERT recommends that wetland mitigation be an outstanding issue, because proffer language does not address "no net loss" policy in RGP.

VIII F – Stream Valley Plan, ERT supports the concept but suggests several wording changes. Timing of plan should be with first construction plan or site plan associated with R-24 or PD-CC(CC) areas. Plan should only specify "Section A" of stream valley plan, because "Section B" should be linked to Dulles Town Center rezoning not Parc Dulles II.

VIII H – Sustainable development. ERT recommends adjusting H-1 wording on construction waste management to match approved proffer language for ZMAP-2008-0007. For H2 and H3, water and energy conservation, ERT recommends commitments that are consistent between residential and commercial uses. The energy commitments focus on products, not buildings. ERT suggests not specifying products but instead committing to an overall energy efficiency goal for the commercial and residential buildings. Energy Star certification or participation in the Energy Star Portfolio Manager may be attractive, where individual tenants can later apply for LEED at their choice and outside of any proffered commitment.

CDP Sheet 8 -- General note 3 should be removed.

Let me know if you have questions. Thanks!

William

William Marsh, P.E., LEED-AP
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Loudoun County, Virginia

(703) 737-8303
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A-65

DEPARTMENT OF BUILDING AND DEVELOPMENT

COUNTY OF LOUDOUN

MEMORANDUM

DATE: June 20, 2008

TO: Ginny Rowen, Planning Project Manager

FROM: Laura Edmonds, Environmental Engineer

THROUGH: William Marsh, Environmental Review Team Leader

CC: Michael Salinas, Planning Department
Randy Williford, Department of General Services

SUBJECT: ZMAP-2002-0017 Parc Dulles II

The Environmental Review Team (ERT) reviewed the subject application during the May 27, 2008, ERT Meeting, followed by a site visit on June 17, 2008. Our comments pertaining to the current application are as follows:

Recommendations:

Regarding streams and wetlands

- 1) Note 19 on Sheet 1 indicates that the wetland delineation depicted on the property has not been confirmed by the Army Corps of Engineers (Corps). Please submit the wetland delineation to the Corps for confirmation. In addition, please indicate the wetland and stream classification (e.g., palustrine forested wetland, intermittent stream) in the Legend on Sheets 2 and 4 and update Note 19 to reflect the Jurisdictional Determination once it has been issued [e.g., Jurisdictional waters and wetlands depicted on the plan were delineated by Wetlands Studies and Solutions and confirmed by Army Corps of Engineers JD (number), issued on (date)].
- 2) The riparian corridor that originates on the Parc Dulles II property drains northwest through the Parc Dulles property, where it becomes Minor Floodplain, through the parcels included Dulles Town Center Rezoning (ZMAP-2007-0001), where it has been delineated as a perennial stream, to the stormwater management pond serving the Dulles Town Center property, near the Route 7/Route 28 interchange, to Broad Run. The two active rezoning applications associated with Dulles Town Center offer a unique opportunity to preserve this riparian corridor and its remaining forested buffer. Preservation and enhancement of this forested riparian corridor is imperative to minimizing the impacts of the proposed development on water quality, a matter of consideration outlined in Section 6-1211.E.9 of the Revised 1993 Zoning Ordinance.

- 3) Impacts to wetlands are currently proposed to accommodate a road crossing, an office/retail building, a parking area, and a stormwater management facility. Staff emphasizes the importance of avoiding and minimizing impacts to wetlands and encourages the applicant to revise the development layout to further avoid impacts to wetlands and forested riparian buffers.

Where impacts to wetlands are deemed unavoidable, staff emphasizes the importance of mitigating wetland and stream impacts in close proximity to impacts to help maintain water quality and flood protection benefits, as well as habitat. Therefore, staff recommends that the applicant commit to prioritizing mitigation as follows: 1) onsite, 2) within the Broad Run Watershed within the same Planning Policy Area, 3) within the Broad Run Watershed outside the Planning Policy Area, and 4) Loudoun County, subject to approval by the U.S. Army Corps of Engineers (Corps) and the Virginia Department of Environmental Quality (DEQ). This approach is consistent with Policy 23 on Page 5-11 of the RGP which states that "the County will support the federal goal of no net loss to wetlands in the County." Furthermore, the County's strategy is to protect its existing green infrastructure elements and to recapture elements where possible [RGP, Page 6-8, Green Infrastructure Text].

Regarding forest cover

- 4) Sheet 3 of the rezoning plat provides a list of 24 specimen trees, which are depicted on the Existing Conditions Plan (Sheet 2). Please depict specimen trees on the Rezoning Plat (Sheet 4), or a land use map that overlays the proposed land uses over the existing conditions consistent with Item L.2 of the Rezoning Checklist, so that opportunities to preserve existing specimen trees may be evaluated.
- 5) Staff recommends that Tree Save Areas be identified as Tree Conservation Areas and that Proffer VIII.C. be updated consistent with the Sample Tree Conservation Area Language (attached) approved by the County Arborist to ensure the preservation of identified Tree Conservation Areas.
- 6) Staff recommends that the Tree Conservation Area surrounding jurisdictional waters and wetlands be expanded to provide a minimum 50-foot buffer surrounding these features. Expansion of the buffer is necessary to minimize impacts to jurisdictional features, to provide adequate separation between existing natural drainage systems and the proposed land uses, and to ensure the viability of proposed Tree Conservation Areas.
- 7) The Forest, Trees, and Vegetation Policies of the RGP encourage the preservation of existing vegetation (Page 5-32). The County Arborist has visited the site, and has indicated that the existing forest stand on the property is a pole to sawtimber size mixed hardwood stand (e.g., white oak, red oak, hickory, green ash) worthy of preservation. Therefore, staff recommends that the Archeology Preserve Area, the Community Green and Tot Lot, and the Village Green be added to the designated

Tree Conservation Areas. Staff notes that the sample Tree Conservation Area Language allows 20 percent of the cumulative tree cover to be removed, which should accommodate the proposed uses in these areas.

Regarding threatened and endangered species

- 8) Staff notes that Item 9 in the Statement of Justification references Exhibit C, which is identified as "an assessment from the Virginia Department of Conservation and Recreation with regards to natural heritage resources such as endangered species and wildlife habitat;" however, a copy of Exhibit C was not included in the application materials. Please forward a copy of Exhibit C with the subsequent submission.

Regarding soils and steep slopes

- 9) Please depict Moderately Steep and Very Steep Slopes as identified in the Loudoun County Geographic Information System (LOGIS) on the Existing Conditions Plan (Sheet 2) and the Concept Development Plan (Sheet 4) (or a land use map that overlays the proposed land uses over the existing conditions). In addition, please update Note 23 on Sheet 1 to indicate the presence of steep slopes on the property. Staff notes that steep slopes present on the property are primarily manmade with the exception of a forested Moderately Steep Slope along the eastern property boundary that lies within the designated 25-foot side yard.
- 10) Please identify Mapping Unit 69A as a hydric soil in the Soils Type Description table on Sheet 2.

Regarding Stormwater Management and Best Management Practices

- 11) Two possible Stormwater Management (SWM)/Best Management Practice (BMP) facilities are currently depicted on the Concept Development Plan. Additional information is needed regarding the type of facilities proposed consistent with Item K.4. of the Rezoning Checklist.

In addition, Proffer III (Stormwater Management and Water Quality) indicates that the property will be developed using a combination of the approved stormwater management facility at Dulles Town Center and on-site BMPs. The existing pond in the Northwest corner of Dulles Town Center, adjacent to the Route 7/Route 28 interchange, was designed to function as a dry pond and drain within 24 hours. However, due to the fact that the pond is located online with a perennial stream, it is maintaining a permanent pool of water. This permanent pool of water effectively reduces the volume of the pond, causing it not to function as designed. During review of the Dulles Town Center Rezoning, staff previously recommended that this facility be converted to a wet pond, with aquatic and maintenance benches, which would increase the pollutant removal capability of the facility, while minimizing the

need for ongoing maintenance. A wet pond would also improve the condition of the pond, providing a desirable community amenity.

Staff would like to engage in additional discussion with the applicant regarding the proposed stormwater management approach for the property and the overall Dulles Town Center project.

Regarding noise impacts

- 12) Noise Policy 2 of the Revised Countywide Transportation Plan (RCTP, Page 4-7) and the Highway Noise Policies in the Revised General Plan (Page 5-46) indicate that "all land development applications that propose land uses adjacent to any of the existing and/or proposed arterial and major collector roads will be designed to ensure that no residential or other type(s) of noise-sensitive use(s) will have traffic noise impacts which occur when the predicted traffic noise levels approach or exceed the noise abatement criteria," which are outlined on Table 4-1 on Page 4-8 of the RCTP.

The property is located at the intersection of two four-lane, Major Collector roadways; Nokes Boulevard and City Center Boulevard, and includes residential uses. Therefore, staff recommends that the applicant consider the following noise study commitment, similar to commitments provided with other approved rezoning projects:

"The applicant will provide a noise impact study to the County that will determine the need for any additional buffering and noise attenuation measures along Nokes Boulevard and City Center Boulevard. The noise impact study shall be based upon the ultimate road configuration as defined in the Revised Countywide Transportation Plan and the ultimate design speed. Traffic volumes for these roadways will be consistent with either the 2030 forecast from the Loudoun County Transportation Forecasting Model or volumes projected at a time 10-20 years from the start of construction as confirmed by the Office of Transportation Services, based on the latest horizon year.

This noise impact study will be conducted by a certified professional engineer and submitted to the County concurrently with the first site plan or construction plan, whichever is first in time. Noise impacts occur if noise levels substantially exceed the existing noise levels (a 10 decibel increase over existing levels) or approach (one decibel less than), meet, or exceed the Noise Abatement Criteria identified in the Revised Countywide Transportation Plan. For all impacted uses, noise attenuation measures shall be provided along the specified roadways or incorporated into proposed structures sufficient to mitigate the anticipated noise impacts prior to the issuance of occupancy permits for any impacted structures. Noise attenuation shall result in noise levels less than impact levels (2 decibels less than the Noise Abatement Criteria) and shall result in a noise reduction of at least 5 decibels. Where noise attenuation measures are needed, priority shall be given to passive measures (to

include adequate setbacks, earthen berms, wooden fences, and vegetation). Structural noise attenuation measures (e.g., noise walls) shall only be used in cases where the mitigation cannot otherwise be achieved.”

Regarding archaeology

- 13) The Rezoning Plat (Sheet 4) currently depicts Site 44LD947 as an Archeology Preserve Area; however, the Phase III Archeological Study outlined in Proffer IV (Archeological Survey) requires disturbance of the site. Therefore, staff recommends that Proffer IV be revised to require the Phase III Study only in the event the area will be disturbed, as follows:

“If a Phase III Archeological Study is recommended for site 44LD947 as a direct result of the Phase II Study, and disturbance is proposed within the Archeology Preserve Area identified on the rezoning plat, a Phase III Archeological Study will be conducted prior to approval of the associated grading permit and the commencement of any disturbance within the Archeology Preserve Area.”

In addition, staff recommends that the last sentence of the proffer be removed to ensure that the Phase II Archeological Study is performed regardless of whether or not the site is disturbed.

Regarding green building practices

- 14) Staff encourages a commitment in the design of the proposed structures to meet appropriate green building standards for commercial and residential uses. These standards bring about building design that conserves energy and water, maximizes indoor air quality and natural light, and minimizes construction waste and disturbance of natural landscapes. Leadership in Energy and Environmental Design (LEED), as supported by the United States Green Building Council, is a prominent standard for commercial and multi-story residential construction.

Revised General Plan policy and Board of Supervisor decisions support consideration of these standards. The referenced commitment is consistent with the General Water Policies supporting long-term water conservation (Policy 1, Page 2-20), the Solid Waste Management Policies supporting waste reduction, reuse, and recycling (Policy 2, Page 2-23), and the Air Quality Policies supporting the creation of pedestrian and bicycle facilities (Policy 1, Page 5-41). Furthermore, the County encourages project designs that ensure long-term sustainability, as discussed in the Suburban Policy Area, Land Use and Pattern Design text (Page 6-2).

In 2007, the Board of Supervisors adopted CPAM-2007-0001, housing policy that includes Guiding Principle Policy 12: “The County encourages development that utilizes energy efficient design and construction principles, promotes high performance and sustainable buildings, and minimizes construction waste and other

negative environmental impacts.” As of April 15, 2008, the Board of Supervisors also endorsed LEED as the preferred green building rating system for commercial construction and recommended the “COG Regional Green Standard” for private development, as described on pages 11-12 of “Greening the Washington Metropolitan Region’s Built Environment”, available at <http://www.mwcog.org/environment/greenbuilding/>.

With the second submission, please include a LEED for New Construction (NC) or Core and Shell (CS) score sheet for appropriate buildings to indicate green building design commitments. If LEED – NC or CS does not apply then appropriate residential green building standards include, but are not limited to, National Green Build Standard from the National Association of Homebuilders (currently under development); LEED for Homes from the US Green Building Council, and EarthCraft House Virginia.

- 15) Given the combination of uses proposed, ERT suggests consideration of re-submission of this application for PD-MUB, as described in Section 4-1350 of the Zoning Ordinance. This section supports a combination of office, residential, and retail. It also includes a 0.1-FAR incentive where at least 20 percent of the proposed floor area is certified LEED-Gold, among other incentives.

Due to the scope of the comments provided, staff requests an opportunity to comment on the subsequent submission of this application. Please contact me if you need any additional information.

Sample Tree Conservation Area Language

Tree Conservation Areas. Within the areas identified on the Concept Development Plan (CDP) as "Tree Conservation Areas," the Owner shall preserve healthy trees provided, however, that trees may be removed to the extent necessary for the construction of trails and Stormwater Management Facilities that are required pursuant to the proffers and/or shown on the approved construction plans and profiles as lying within such Tree Conservation Areas and for the construction of utilities necessary for development of the Property. A minimum of eighty (80) percent of the canopy within the cumulative Tree Conservation Area depicted on the CDP will be preserved, exclusive of stands of Virginia Pine over 25 years in age. In the event that the eighty (80) percent canopy threshold cannot be achieved within the designated Tree Conservation Areas, such lost canopy will be recaptured elsewhere onsite in locations to be designated at the discretion of the Owner in consultation with the County. Boundaries of all Tree Conservation Areas shall be delineated on the record plat recorded for each section of the development.

If, during construction on the Property, it is determined by the Owner's certified arborist and/or the County that any healthy tree located within the boundaries of any of the Tree Conservation Areas described in this proffer has been damaged during construction and will not survive, then, prior to bond release on any section containing or immediately adjacent to a tree conservation area, the Owner shall remove each such tree and replace each such tree with two (2) 2½ - 3 inch caliper native, non-invasive deciduous trees. The placement of the replacement trees shall be proximate to the area of each such damaged tree so removed, or in another area as requested by the County.

The HOA documents shall include a provision that prohibits removal of trees in Tree Conservation Areas as shown on the record plat after construction has been completed by the Owner without specific permission of the County Forester except as necessary to accommodate Forest Management Techniques, performed by or recommended by a professional forester or certified arborist, that are necessary to protect or enhance the viability of the canopy. Such Management Techniques may include, without limitation, pruning and the removal of vines, invasive species, trees uprooted or damaged by extreme weather conditions, and trees or limbs that are diseased, insect-infested, dead, or are considered a hazard to life or property. The HOA documents shall clearly state that such provisions prohibiting tree removal shall not be amended by the Owner or the HOA without written approval from the County. The record plat for each portion of the Property containing a Tree Conservation Area shall contain a note stating that the removal of trees within a Tree Conservation Area is prohibited except in accordance with the Declaration of Covenants.

To: rowen, ginny
Cc: Mosurak, Louis Beacher, Andy Laycock, Terrie
Subject: RE: Fifth Round Referral Comments for ZMAP 2002-0017/SPEX 2008-0026 and 0027 Parc Dulles II proffers

Ginny- 10/29/09

I received the applicant's response letter dated October 15, 2009 and the draft proffers revised October 15, 2009, you sent me last week and I am providing you with brief responses as to whether our previous issues have been adequately addressed. See below.

-Comment 1, regarding our recommendation for the applicant to construct Haleybird Drive as a four lane facility, has not been adequately addressed. The applicant is proposing that the pending Dulles Town Center application would construct two lanes and that this applicant (Parc Dulles II) would also build two lanes. Proffer V. B only provides for two lanes. OTS wants to insure that all four lanes will be built and not rely on another pending application.

-Comment 2, regarding full signal funding has not been addressed as the applicant does not provide for cash equivalents in Proffer V. C.

-Comment 3, - has been addressed as the applicant acknowledges that all proffers, including those related to signal preemption in Proffer V.C., will need review from the County Attorney's Office. No outstanding issue.

-Comment 4, regarding the recommended \$575 per unit transit contribution, has not been adequately addressed by the applicant. Under draft Proffer V.D. , the applicant only proposes to provide the recommended contribution if the proposed transit center associated with the adjacent pending Dulles Town Center application is not approved. Issue not adequately addressed.

-Comment 5, regarding clarification that this application will provide two bus shelters in addition to the two shelters proposed by the Dulles Town Center application, further specification in draft Proffer V.D. is necessary.

-Comment 6, regarding the recommendation to meet with Fire & Rescue, the applicant notes that a meeting has already occurred with Fire & Rescue and VDOT. OTS requests the applicant provide an update regarding the outcome of the meeting(s).

-Comment 7, regarding that the CPI inflation factor be included in the proffers, the applicant proposes an escalation of 2% every 5 years in draft Proffer VI.D. However this is not specifically in keeping with the CPI. OTS requests that the applicant simply include language that they will provide the CPI inflation factor; OTS defers to other appropriate departments for further discussion of this issue.

-Comment 8, regarding the failing Route 7/City Center Boulevard intersection and the series of transportation improvements recommended by OTS to help improve the LOS at this intersection (4-lane Haleybird Drive, Transit contribution, etc.), has not been adequately addressed.

From: rowen, ginny
Sent: Tuesday, October 20, 2009 3:22 PM

From: phillips, george
Sent: Thursday, October 1, 2009 5:20 PM
To: Ginny Rowen
CC: Terrie Laycock, Andy Beacher, Nancy Gourley, Lou Mosurak, Terri Smithson
Subject: ZMAP 2002-0017-Parc Dulles II-OTS 4th Referral Comments

Ginny- 10/1/09

I received your September 10, 2009 memo, with responses and draft proffers dated August 31, 2009 from the applicant, requesting the status of my previous (Third Referral) August 12, 2009 comments. I am providing you information regarding the status of the various transportation issues related to this case. These are as follows:

-Regarding our request for Haleybird Drive to be extended as a four-lane facility east to Ridgetop Circle, the applicant continues to indicate that they will only construct two lanes. In addition, the applicant includes language in the draft proffers, under proffer V. B. that they are not responsible for obtaining off-site right-of-way or easements. This is not acceptable to OTS. Please note that county records indicate that off-site right-of-way has been dedicated, but on-site right-of-way has not been dedicated. Also note that VDOT will not accept half-sections for maintenance without a guarantee from the County that the remaining half-section will be constructed. Issues not addressed.

-Regarding our request for installation if warranted or full funding (now \$275,000) for a traffic signal at the Nokes Boulevard/INOVA entrance intersection, the applicant notes that they will conduct a warrant analysis and contribute up to \$150,000. This amount is inadequate based on current signal cost estimates. In addition, installation, if warranted, or full funding (\$300,000) is recommended for a signal at the Haleybird Drive/ City Center Boulevard intersection. It should also be noted that the applicant's concept development plan indicates that the Nokes Boulevard/INOVA and Haleybird Drive/City Center Boulevard intersections will be signalized as warranted. The applicant needs to commit to construct both signals when warranted or provide full funding which includes \$275,000 for the Nokes Boulevard/INOVA entrance signal and \$300,000 for the Haleybird Drive/City Center Boulevard signal. If signals are not warranted at the time the warrant study is completed, then the applicant needs to provide the full contribution towards future signalization when warranted. Issues not addressed.

-The applicant has addressed our request to cover the cost of signal preemption by including language under Proffer V.C. However, all the proffers need to be reviewed by the County Attorney's Office.

-Regarding our request for a transit contribution of \$575 per dwelling unit (445 du's X \$575) totaling \$255,875, the applicant will only agree to provide it if the Dulles Town Center rezoning, along with the proposed transit center, is not approved. Please note that the Dulles Town Center application is a separate application and has no bearing on transit contributions with this case. Issue not addressed.

-Regarding our comment that the applicant insure that their proposed two bus shelters would be in addition to the two included in the Dulles Town Center proffers, the applicant has confirmed this in their response comments. However, this needs to be clarified where this is included in the draft proffers. Issue not addressed.

-The applicant notes that discussions with VDOT have occurred regarding the proposed directional emergency vehicle access onto eastbound Nokes Boulevard from this site. OTS staff also recommends that the applicant coordinate with Loudoun Fire & Rescue staff on this issue. Further clarification is needed.

-Regarding our request for an inflation factor (CPI) to be included in the proffers, the applicant notes that an escalation is not provided for. Issue not addressed.

-Regarding the issue of failing LOS at the Route 7/City Center Boulevard intersection, OTS noted that the previously mentioned transportation improvements, including the recommended four-lane Haleybird Drive extension, signal and transit contributions are needed to help mitigate impacts of site traffic at this intersection. The applicant notes that the Planning Commission is currently considering the Route 7/City Center Boulevard intersection as part of the Dulles Town Center rezoning. However, the improvements and contributions recommended by OTS have not been adequately addressed by the applicant. Issue not addressed.

-Regarding our request for the applicant to clarify the dollar amount for the Route 28 Transportation Improvement District payment, the applicant notes that they believe staff will provide this information prior to the public hearing. OTS staff defers to the Department of Planning and the Department of Management & Financial Services on this matter. OTS has no further comments on this issue.

Let me know if you have any questions. OTS suggests a meeting with the applicant to discuss the comments contained in this E-mail.

County of Loudoun
Office of Transportation Services
MEMORANDUM

DATE: June 3, 2008

TO: Ginny Rowen, Project Manager, Planning Department

THRU: Art Smith, Senior Coordinator

FROM: George Phillips, Senior Transportation Planner

SUBJECT: Parc Dulles, ZMAP 2002-0017

Location: Northeast corner of the City Center Drive/Nokes Boulevard
Intersection. (See Attachment 1)

Background

The applicant, DTC Partners, LLC, is requesting a Zoning Map Amendment to rezone approximately 34 acres from PD-IP to R-24 to develop 445 multifamily housing units, 60,000 square feet of retail, 40,000 square feet of office and a 17,000 square foot fire & rescue center. The applicant has submitted a concept plan revised March 8, 2008 by Dewberry & Davis and a statement of justification dated March 14, 2008. A traffic study was not included with this submission although one is required. It should be noted that a similar application, The Falls at Dulles Town Center ZMAP 2002-0017 was submitted and reviewed by Office of Transportation Services (OTS) staff. The previous memos are attached (Attachment 2). The Falls at Dulles Town Center application was heard by the Loudoun County Planning Commission in May 2004 and was not approved at that time. This was due to concerns with the proposed land use in relation to the Dulles

Town Center Master Plan and the availability of school capacity in the assigned school district.

Existing and Proposed Road Network

The site is located at the northeast corner of the City Center Boulevard/Nokes Boulevard intersection. Haleybird Drive borders the site on the north. Based on a recent field visit by Transportation Staff, Nokes Boulevard and City Center Boulevard are four-lane median divided roads with turn lanes at all major intersections. Haleybird Drive is a four lane undivided road adjacent to the site. A traffic signal is in place at the City Center Boulevard/Nokes Boulevard intersection. A posted speed limit of 35 mph is shown for both roads. The Countywide Transportation Plan (CTP) calls for this segment of Nokes Boulevard to be a four lane median-divided major collector road with separate left & right turn lanes and a 45 mph design speed. The CTP calls for City Center Boulevard to be a similar facility as a four -lane divided road within a 120' of right-of-way, right and left turn lanes required at all intersections and a 40-mph design speed. These roads are completed to their ultimate condition. Haleybird Drive is not included in the CTP for improvement but is proposed to connect to Ridgetop Circle as a four lane undivided, local roadway providing inter-parcel access between Dulles Town Center and Loudoun Tech Center. Both Dulles Town Center and Loudoun Tech Center are proffered to build two lanes each as development occurs.

Trip Generation Information

The existing PD-IP zoning would yield approximately 306,000 square feet of light industrial and 294,000 square feet of Office. Based on the ITE 7th Edition trip rates, this development would generate 5,221 daily, 713 a.m. peak hour and 684 p.m. peak hour vehicle trips. The proposed 445 multi-family units would generate 2,825 daily, 169 a.m. peak hour and 203 p.m. peak hour vehicle trips. The proposed 40,000 square feet of office would generate 659 daily, 90 a.m. peak hour and 124 p.m. peak hour trips. The proposed 60,000 square feet of retail would generate 4,872 daily, 115 a.m. peak hour and 447 p.m. peak hour vehicle trips. While there are no ITE trip rates for Fire & Rescue centers, the trip generation is believed to be relatively low. Without adding in the trip generation for the Fire & Rescue center, the total generated vehicle trips for the proposed multi-family, office and retail uses are 8,356 weekday daily, 374 a.m. peak hour and 774 p.m. peak hour vehicle trips.

Transportation Comments

1. A traffic study was not submitted with this application. A traffic study, scoped in keeping with Loudoun County FSM and VDOT Chapter 527 requirements, is needed to understand the impacts of this proposed development on the surrounding road network. Any previous discussions and commitments related to transportation with the previous application need to be reviewed in light of the updated traffic study.
2. The concept plan shows a right-in right-out entrance onto City Center Boulevard which does not appear essential for traffic circulation and will create friction on northbound travel on City Center Boulevard. Therefore, it is recommended that this entrance be removed from the concept plan.
3. When is Haleybird Drive expected to be connected to the east to Ridgetop Circle? Please update.
4. Recommendations for improvements to the area road network and transit will follow after review of an acceptable traffic study from the applicant.

Recommendation

OTS has no recommendation at this time. More information is needed from the applicant in the form of an acceptable traffic study.

GRP/Falls at Dulles Town Center/ D Drive/C Drive files

April 2, 2009

Ms. Ginny Rowen, Planner
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Dulles Town Center – Parc Dulles II At,
Loudoun County Application Number: SPEX 2008-0026 and 27 (ZMAP 2002-0017)

Dear Ms. Rowen:

We have reviewed the above application as requested and offer the following comments:

1. Our previous Comment 2 has not been satisfactorily addressed. The median break should not be permitted.
2. Our previous Comment 3 has not been satisfactorily addressed. Acknowledging the comment is not acceptable. The turning lanes should be shown on the plat.
3. Is this application subject to Chapter 527 regulation?

If you have any questions, please call me at (703) 383-2046.

Sincerely,

Rashid Siraj, P.E.
Transportation Engineer

(Com-2.04-02-09)

May 28, 2008

Ms. Ginny Rowen, Planner
County of Loudoun
Department of Planning MSC#62
1 Harrison Street, S.E.
P.O. Box 7000
Leesburg, Virginia 20177-7000

Re: Dulles Town Center – Parc Dulles II At,
Loudoun County Application Number: SPEX 2008-0026 and 27 (ZMAP 2002-0017)

Dear Ms. Rowen:

We have reviewed the above application as requested and offer the following comments:

1. The applicant shall ensure that the commercial entrances proposed for the development conform to the applicable requirements of VDOT *Minimum Standards of Entrances to State Highways*, latest edition. The minimum and maximum width of a two-way commercial entrance should be 30' and 40' respectively.
2. The median break proposed on Nokes Boulevard should not be permitted. Either reconfigure the site to provide access to Fire and Rescue at the existing cross-over or the proposed entrance be restricted to right-in and right-out. It appears that access to this facility can also be provided from other abutting public streets.
3. A right and a left-turn lane should be provided for the proposed entrance on Haley Bird Drive.

If you have any questions, please call me at (703) 383-2046.

Sincerely,

Rashid Siraj, P.E.
Transportation Engineer

(Com.05-28-08)

COUNTY OF LOUDOUN
Department of Economic Development

DATE: June 16, 2008

TO: Ginny Rowen, Planner
Planning Department

FROM: Robyn Bailey, Economic Development

SUBJECT: ZMAP 2002-0017, SPEX 2008-0026 and SPEX 2008-0027—Parc Dulles II

Description

The applicant, DTC Partners LLC, has submitted an application for a Zoning Map Amendment to rezone approximately 34 acres from planned industrial to a mix of commercial and multi-family residential land uses.

Evaluation

The Department of Economic Development's core mission is to support the formation, expansion, retention, and location of appropriate industries and businesses in Loudoun and the region. Successful economic development increases the community's capacity to generate wealth; resulting in local government with the sustained fiscal strength necessary to develop a high quality community while keeping tax rates competitive.

The applicant proposes the following:

Rezone 34 acres of land located at the northeast intersection of City Center Drive and Nokes Boulevard within the Dulles Town Center. The property is in the Route 28 Tax District. The property is currently zoned PD-IP. The applicant proposes to rezone the property from PD-IP to R-24 and PD-CC(CC). A location for a fire/rescue station is included. The property is not subject to the original Dulles Town Center concept development plan and proffers (ZMAP 1990-0014, SPEX 1991-0043, SPEX 1991-0045). The proposed rezoning would result in an elimination of approximately 490,000 square feet of potential flex/office development in the Route 28 Tax District.

Current	Proposed
PD-IP: Approximately 590,000 SF	Residential: 445 total units (419 market rate multi-family units and 26 affordable dwelling units (ADUs)) Retail: 60,000 SF Office: 40,000 SF Fire and Rescue: 17,000 SF

The removal of commercial land from the County's inventory is a constant concern given the long-term need to have an adequate supply of commercial/industrial land and the fiscal impact of converting to residential uses. The removal of land from the Route 28 Tax District is a serious concern and negatively impacts the overall district. Residential development generally has a negative fiscal impact, while commercial development generally has a positive impact.

This site appears to be much more suited for office/flex development, rather than residential development. The road network is supportive of the office and flex development surrounding the site, positioning the site for similar development. The site is separated from Dulles Town Center by two substantial roads, limiting connectivity for potential residents. Dulles Town Center has the unique opportunity to provide a true live-work-play environment, however, all of the components, both commercial and residential, must be integrated and not isolated.

The location of the proposed rezoning may also have a negative impact on the adjacent industrial park. The site is next to Loudoun Tech Center, which is a PD-IP park with a special exception for office in place. The subject site is adjacent to one of the few vacant parcels in Loudoun Tech Center. A residential neighborhood may not support future industrial development on the Loudoun Tech Center site.

The proposed commercial development will only realize a 0.25 maximum density and includes more residential than office. Recent changes to the zoning ordinance allow office by-right in PD-IP with performance standards including a minimum of two-stories orientated on major road ways and the ability to achieve higher density with a special exception. The proposed rezoning is more restrictive than the changes made to the zoning ordinance.

Density/Story Heights

The applicant is requested to commit to minimum densities as well as building heights of at least two stories. If the proposed density is not achieved, then the county is at risk of losing additional office square footage. Minimum densities will help to ensure that this scenario will not happen. The applicant is also encouraged to place retail on the first floor and office on the second floor.

Phasing

Should residential be added to the site, the applicant is requested to commit to linked phasing between the office/retail and the residential development to ensure the delivery of a mixed-use community. Without a commitment to phased linkages, the integrity of the mixed-use project is compromised. Phased linkages in this project will also provide a greater level of assurance that the new residents will not react negatively to the office development.

Conclusion

The applicant is encouraged to retain this site for commercial development with the emphasis on office and flex and not remove valuable commercial land from the Route 28 Tax District.

Removal of land from the Tax District is a serious concern and negatively impacts the overall district.

The proposal does not represent a mixed use project, but rather a mix of uses. The proposal does not integrate with the rest of the community and does not include safe and convenient connections, vertical integration of uses, or developmental linkages/phasing.

From: Maria Taylor
Sent: Thursday, August 20, 2009 9:59 AM
To: Goode, Ann; Amy Lohr; Ginny Rowen
Cc: Dawn Klassen; Paul Brown
Subject: Re: Parc Dulles (F&R site)

Ginny,

After further consideration, the Fire and Rescue Planning Staff agrees with the Planning Department's recommendation and will not support a special exception for the fire and rescue site at this point. Staff will move forward when can comfortably provide the information requested. Thank you for your help and guidance through this process. Call me with any questions. Thanks again!

Maria

Maria Figueroa Taylor
Planner
Loudoun County Fire-Rescue and Emergency Management
803 Sycolin Road, Suite 104 MSC 61
Leesburg, VA 20175
703-777-0333
703-737-8772 (direct)
571-233-0126 (cell)
703-771-5359 (fax)

Teamwork, Integrity, Professionalism and Service

>>> Ginny Rowen 8/18/2009 3:39 PM >>>

Hello all - I just had a meeting with John Merrithew to discuss a potential waiver for the special exception plat details for the Fire & Rescue site. Based on recent PC comments, he feels that a request for a specific use is premature until we are confident regarding the specific building /parking footprints and building elevations. He thinks the applicant should continue to show a 3.3 acre public use site but remove the special exception request for a Fire & Rescue site at this time. If the rezoning application is approved, a special exception application can be submitted in the future with the required plat details. Ginny

ATTACHMENT 1-H

A-84



LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Ginny Rowen, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: April 1, 2009
Subject: Parc Dulles II, second referral
ZMAP 2002-0017, SPEX 2008-0026 (fire-rescue site)
& SPEX 2008-0026 (office)

Thank you for the opportunity to review the applicant's response to first referral comments dated June 17, 2008 regarding the above captioned application.

A service delivery needs assessment revealed the need for a Fire and Rescue station in the Route 7 and Route 28 corridor and in the fall of 2002, Loudoun County voters endorsed bond referenda that included funding for the design and construction of a public safety center. This project proposes the construction of a 13, 000 square foot public safety center that would provide 24-hour emergency services.

The Applicant has proffered a 2- acre parcel for public use (less than the endorsed Service Plan's requirement of 5 acres) and the ZMAP plat, sheet 6 depicts a layout of a 12,000 sq ft fire-rescue station with a future 5,000 addition to the apparatus bay. Given the difficulty the Department has experienced securing an operationally effective parcel and the strategic value of this site, the Fire-Rescue Planning Staff is of the opinion that a station at this location will eliminate current response coverage voids and not only would adequately service the proposed development but also neighboring existing and proposed developments. However, Staff remains concerned that the size of the parcel would not be enough to accommodate all the program requirements, and ensure adequate circulation and deployment of emergency vehicles.

Unfortunately, Staff would not be able to agree to a condition that requires substantial conformance with the layout (building and parking location, access point etc.) of page 6 of the plat. The Department of Fire, Rescue and Emergency Management, though the County's procurement process, will select a firm that will conduct the design and engineering process that would ultimately demonstrate that

the program requirements, effective circulation and timely deployment of emergency vehicles can be met at this site.

Staff concurs with the referral submitted by the Office of Capital Construction/Proffer Matrix Group regarding the timing of conveyance, any additional site work that would be performed prior to conveyance, timing of utilities, access road etc. Staff respectfully requests that the applicant revise the proffer statement to reflect the recommendations of the proffer matrix group regarding the before mentioned issues.

Effective access to the existing and future road network is an important consideration in the strategic siting of a fire-rescue facility and our service plan goals. Staff respectfully requests an update regarding efforts to secure approval the depicted median break access for emergency vehicles on Nokes Boulevard. Effective and timely response from this location would be compromised without the ability to turn left on Nokes Blvd.

The Fire and Rescue Planning Staff is available to meet and/or provide the Applicant with additional information regarding our comments. If you have any questions or need additional information, please contact me at 703-777-0333.

C: Project file



LOUDOUN COUNTY, VIRGINIA
Department of Fire, Rescue and Emergency Management

803 Sycolin Road, Suite 104 Leesburg, VA 20175
Phone 703-777-0333 Fax 703-771-5359



Memorandum

To: Ginny Rowen, Project Manager
From: Maria Figueroa Taylor, Fire-Rescue Planner
Date: June 17, 2008
Subject: Parc Dulles II
ZMAP 2002-0017, SPEX 2008-0026 (fire-rescue site)
& SPEX 2008-0026 (office)

Thank you for the opportunity to review the above captioned application.

A service delivery needs assessment revealed the need for a Fire and Rescue station in the Route 7 and Route 28 corridor and in the fall of 2002, Loudoun County voters endorsed bond referenda that included funding for the design and construction of a public safety center. This project proposes the construction of a 13, 000 square foot public safety center that would provide 24-hour emergency services.

The Department of Fire, Rescue and Emergency management's Service Plan endorsed the requirement of 5 buildable acres as the minimum parcel size to accommodate this essential public facility. The Applicant has proffered a 2- acre parcel for public use and the ZMAP plat, sheet 6 depicts a layout of a 12,000 sq ft fire-rescue station with a future 5,000 addition to the apparatus bay. Given the difficulty the Department has experienced securing an operationally effective parcel and the strategic value of this site, the Fire-Rescue Planning Staff is of the opinion that a station at this location will eliminate current response coverage voids and not only would adequately service the proposed development but also neighboring existing and proposed developments. However, Staff is concerned that the size of the parcel would not be enough to accommodate all the program requirements, and ensure adequate circulation and deployment of emergency vehicles.

Staff would not be able to agree to a condition that requires substantial conformance with the layout of page 6 of the plat as we do not have enough detail to determine if it would meet the department's needs and to our knowledge has not been engineered and designed formally. Staff respectfully requests additional information to confirm that the depicted layout considered storm water management, availability of utilities to the site, required buffer and setbacks, any right-of-way for future road

*Teamwork * Integrity * Professionalism * Service*

A-87

construction or expansion of existing roads etc. Also, staff requests details regarding the timing of conveyance and any additional site work that would be performed prior to conveyance.

Also, once the parcel is conveyed to the County to be developed as a fire and rescue station it can no longer give the appearance of being part of the retail campus. For example, the parking spaces can not be shared with the retail development and signs will be installed to limit access to the station to emergency personnel and station visitors. It is also possible that fencing will be necessary to ensure the safety and security of station operation and daily activities.

Effective access to the existing and future road network is an important consideration in the strategic siting of a fire-rescue facility and our service plan goals. Staff respectfully requests that the Applicant will secure approval the depicted median break access for emergency vehicles on Nokes Boulevard.

In addition, the first submission of the application did not provide sufficient detail regarding adequate access and circulation of emergency vehicles throughout the property. Staff requests information to demonstrate that access to the proposed structures (all sides) would not be compromised in order to achieve the proposed layout of the site.

The Fire-Rescue Planning Staff did not receive comments from the Sterling Volunteer Fire and Rescue Company, the first due fire-rescue company, by the requested due date. However, we respectfully request that the applicant would consider a contribution to the fire/rescue volunteer company.

The Fire and Rescue Planning Staff is available to meet and/or provide the Applicant with additional information regarding our comments. If you have any questions or need additional information, please contact me at 703-777-0333.

C: Project file



**COUNTY OF LOUDOUN
PARKS, RECREATION AND COMMUNITY SERVICES
REFERRAL MEMORANDUM**

To: Ginny Rowen, Project Manager, Planning Department (MSC #62)
From: Brian G. Fuller, Park Planner, Facilities Planning and Development (MSC #78)
Through: Mark A. Novak, Chief Park Planner, Facilities Planning and Development
CC: Diane Ryburn, Director
Steve Torpy, Assistant Director
Su Webb, PROS Board, Chairman, Catoctin District
James G. Potter, PROS Board, Potomac District
Robert C. Wright, PROS Board, Open Space Member
James E. O'Conner, PROS Board, Open Space Member
Date: August 17, 2009

Subject: Parc Dulles II (3rd Submission)
ZMAP 2002-0017, SPEX 2008-0026, & SPEX 2008-0027

Election District: Potomac **Sub Planning Area:** Sterling

MCPI # 029-37-6224

BACKGROUND AND ANALYSIS:

The Property generally bounded to the west by City Center Boulevard, to the north by Haleybird Drive, and to the south by Nokes Boulevard. The site is located in the Suburban Policy Area within the Potomac Election District, and consists of approximately 34 acres. The Property is currently zoned PD-IP (Planned Development-Industrial Park). The Property is located within the Route 28 Highway Transportation Improvement District. The Applicant proposes to develop a mix of office, retail, and multi-family residential housing to match the existing Parc Dulles I. The uses are 40,000 square feet of office, 60,000 square feet of retail commercial and 445 multi-family residential units, 26 of which are proposed to be affordable dwelling units (ADUs). To support this program, the Applicant seeks to rezone the Property from PD-IP to R-24 and PD-CC(CC) (Planned Development-Community Center) in accordance with the provisions of the Revised 1993 Loudoun County Zoning Ordinance. The Applicant also seeks two Special Exceptions for 30,000 sq. ft. of the proposed office space and a fire/rescue station.

POLICY:

The subject site is governed under the policies outlined in the Revised General Plan, Revised 1993 Zoning Ordinance the Revised Countywide Transportation Plan (CTP), and the Bicycle and Pedestrian Mobility Master Plan (Bike/Ped Plan). The Property is located within the Sterling Community Suburban Policy Area. The Planned Land Use Map adopted with the Revised General Plan identifies the subject site as planned for Keynote Employment. Keynote Employment uses are ...*office developments that feature high visual quality and high trip-generating uses... with the ancillary services necessary to support predominant office use.* Keynote Employment area is identified along ... *Route 28 [and] the eastern end of the Dulles Greenway ...and are intended to be the location of premier office sites for high-visibility.*

The property is also located within the Route 28 Tax District. The Revised General Plan provides policy direction encouraging property owners within the Tax District to rezone to the approved zoning district regulations to provide consistent development patterns within the District. The Plan states "The County will look at incentives to encourage Route 28 Tax District landowners to opt into the Revised Zoning Ordinance." (Revised General Plan, Policy 14, p. 4-10).

It is anticipated that properties in the Route 28 Taxing District be developed or continue uses supportive of the District.

COMMENTS:

The Department of Parks, Recreation and Community Services (PRCS) has reviewed the Applicant's responses dated July 28, 2009 to referral comments dated April 2, 2009, the revised proffer statement dated July 27, 2009, and the revised ZMAP/SPEX Plat dated Jul7 28, 2009. The following is a summary of the current status of Comments 1, 2 and 3 identified by PRCS on April 2, 2009; all previously-resolved comments have been removed:

1. This project will potentially add 445 multi-family residential units and offers a contribution of \$134.81 per residential unit (\$59,990.45) to the Open Space Easement Program to be used for the purchase of open space east of Route 28 or to provide active public recreation facilities east of Route 28. However, the Sterling subarea is presently and will continue to experience significant development. Additional development from new rezoning and by-right developments will place recreational facilities in further jeopardy from a capacity perspective. Developers of other subarea residential projects indicate in their applications that the area is supported by existing and planned public facilities, such as Claude Moore Park. However, residents from both by-right and rezoned subdivisions add a significant demand on existing recreation facilities which make it difficult to keep pace with respective service demands. This application

alone will have an immediate impact on existing public recreational facilities in the area.

The Applicant should further demonstrate to staff, the Planning Commission, and the Board of Supervisors how the recreational and leisure needs of these new residents will be met without further taxing the existing public recreational facilities in eastern Loudoun. PRCS recommends increasing the contribution amount, and earmark it for the purchase of additional open space adjacent to an existing PRCS facility or for the improvement of an existing PRCS facility.

Applicant Response: *The proposed Parc Dulles II project has been designed as a continuation of the existing Parc Dulles project, and, like the existing residential neighborhood, excellent on-site amenities are provided. The proposed amenities at Parc Dulles II include a pool, tot lot, community green and indoor meeting space and recreational facilities.*

Issue Status: PRCS appreciates the Applicant's contribution to the immediate community recreation needs of the future residents of this application, as well as the contribution to the Open Space Easement Program. However, Staff still notes that these onsite amenities will not completely satisfy the recreational needs of the future residents of this project. The proposed onsite amenities will not completely mitigate the potential impact on existing public recreational facilities.

Future residents will require usage of public athletic fields, recreation centers and/or community centers, hiking trails, etc. Therefore, PRCS recommends that the Applicant proffer to further develop existing public recreational facilities within a 1-mile radius of the project area. Staff recommends proffering to a specific public park improvement.

Applicant Response: *Like each other residential community in DTC, high quality recreation and community spaces are provided on site. Numerous park facilities, public and private, are proposed with the related DTC rezoning, as well. Finally, the Applicant has revised the proffers to prioritize park needs, specifically a public park or a teen center, at the Public Use Site, if the Fire/Rescue site is developed elsewhere.*

Issue Status: PRCS appreciates the Applicant's commitment to offer the "Public Use Site" (as described in Proffer VI.B) to PRCS for use as a Teen Center or Public Park, should the location be determined not suitable for a Fire/Rescue Station.

Please be reminded that the proposed 3.3 acre site does not meet any of the Loudoun County Capital Facilities Standards for teen centers and/or parks. In the Capital Needs Assessment, a Teen Center has been identified

for the Leesburg/Ashburn area, and this property is in the Sterling area, albeit on the eastern edge of Ashburn. Therefore, please remove all language from the proffers specifying Teen Center and Public Park usage. Moreover, due to the acreage of the site, the Applicant would only be able to obtain Capital Facility Contribution credit for this dedication upon approval by the Board of Supervisors. However, the Board has previously accepted and continues to accept non-standard sized properties for parks and/or other public uses.

2. PRCS is concerned with the project's proximity to the Dulles Town Center Mall, and its associated vehicular traffic. The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4, Bikeway and Walkway Facility Types, Intersection Treatments, recommends "a wide variety of features, including high-visibility crosswalks, wheelchair ramps, curb extensions, median refuges, countdown signals, in-median safety bollards, mid-block crossings, and more." PRCS recommends the Applicant proffer intersection treatments throughout the proposed development, specifically along City Center Boulevard and Haleybird Drive.

Applicant Response: The Applicant has incorporated crosswalks, as requested, and subject to VDOT approval.

Issue Status: Staff appreciates the addition of crosswalks, but noted that they are not graphically delineated or labeled on the Rezoning Plat. Please revise the Plat accordingly.

Applicant Response: The provision of crosswalks has been addressed in the proffer regarding Pedestrian Network.

Issue Status: Resolved.

3. The Loudoun County Bicycle and Pedestrian Mobility Master Plan (BPMMP), Chapter 4(B), Land Development, Land Development Policy 6, states that "All land development applications shall provide bicycle and pedestrian access through the development in various directions, so as to prevent it from becoming a barrier between other trip origins and destinations in the community." In addition, BPMMP Land Development Policy 7, "All land development applications shall provide a sufficient number of bicycle and pedestrian access points to ensure efficient connections to and from the various activity nodes within the development and linkages to existing or future adjacent developments." The Applicant should demonstrate to Staff, the Planning Commission, and the Board of Supervisors how bicycle and pedestrian access to and through the development and connections to adjacent developments are

being met, specifically considering trail linkages along City Center Boulevard and Haleybird Drive.

Applicant Response: Similarly to Parc Dulles, a 5'-wide sidewalk is provided along the City Center Boulevard frontage that completes a pedestrian connection from the proposed commercial center at the south end of Parc Dulles II, through to the existing Hadley's Park adjacent at the north end of the DTC property.

Issue Status: Staff maintains that 5'-wide sidewalks are not adequate for bicycle mobility, and recommends that the proposed sidewalks along Nokes, Boulevard, City Center Boulevard and Haleybird Drive along the outer limits of the development be upgraded to a multi-use 8' asphalt trail.

Applicant Response: The Nokes Boulevard frontage will be constructed with the 8' asphalt trail, however the topography along City Center Boulevard accommodates only construction of a 5' sidewalk. Similarly, Haleybird is not a baseline connecting roadway or even a minor collector and can be well serviced by a 5' sidewalk.

Issue Status: Resolved.

CONCLUSION:

PRCS has reviewed the Applicant's responses to the issues and finds them acceptable. Should the Board of Supervisors be willing to accept Proffer VI.B as presented, PRCS would not be in objection to an approval of this application as presented.

If you have any questions or concerns regarding these comments, please do not hesitate to contact me personally via phone at 571-258-3251, or via e-mail at brian.fuller@loudoun.gov. You may also contact Mark Novak via phone at 703-737-8992, or via e-mail at mark.novak@loudoun.gov. I look forward to attending any meetings or work sessions to offer PRCS support, or to be notified of any further information regarding this project.



Loudoun County Public Schools

Department of Planning and Legislative Services

Project Assessment

Project Name: ZMAP 2002-0017/Parc Dulles II

2008 Virginia-County of Loudoun School Census Student Generation Factors		Housing Units	Elementary School Student Generation	Middle School Student Generation	High School Student Generation	Student Generation Total
Single Family Detached (SFD)	0.87	0	0	0	0	0
Single Family Attached (SFA)	0.51	0	0	0	0	0
Multifamily (MF)	0.26	445	59	25	31	115
Total Students		445	59	25	31	115

Capital Costs	Elementary School Cost (FY 2010 CIP)	Middle School Cost (FY 2010 CIP)	High School Cost (FY 2010 CIP)	Total Capital Expenditure
School Cost	\$27,560,000	\$50,130,000	\$99,110,000	
Capacity	875	1,350	1,800	
Per Pupil Cost	\$31,497	\$37,133	\$55,061	
Project's Capital Costs	\$1,858,331	\$928,333	\$1,706,894	\$4,493,558

Annual Operational Costs	FY 2009 Estimated Per Pupil Cost	Student Generation Total	Annual Operational Costs
	\$12,780	115	\$1,469,746

School Facility Information	Elementary School (Grades K-5)	Middle School (Grades 6-8)	High School (Grades 9-12)
2009-10 School Attendance Zone	Countryside	River Bend	Potomac Falls
September 30, 2009 Student Enrollment	656	1143	1539
2009-10 Building Program Capacity	721	1169	1391

From: Csizmar, Daniel
Sent: Thursday, September 17, 2009 2:42 PM
To: rowen, ginny
Subject: ZMAP-2002-0017, Parc Dulles II Outstanding Comments

Ginny,

You requested an email regarding the remaining outstanding issues we have with the most recent proffer statement submitted for ZMAP-2002-0017, Parc Dulles II. Here is my email of comments that still have not been addressed by the Applicant.

Proffer V.B – The Applicant does not agree that they should provide all offsite ROW required to extend Haleybird Drive from its current terminus to Ridgetop Circle. My comment remains: “Please revise the proffer statement to include the Owner will provide all necessary right-of-way and related easements outside of the right-of-way, such as slope, maintenance, storm drainage, and utility relocation easements, at no cost to the County, necessary to construct the extension of Haleybird Drive to its intersection with Ridgetop Circle. In the event the Applicant wishes for the County to use Eminent Domain to acquire such necessary right-of-way and related easements outside of the right-of-way necessary to construct the extension of Haleybird Drive to its intersection with Ridgetop Circle, all such costs of eminent domain shall be borne by the Applicant.”

Proffer V.C - The Applicant has proffered to provide a traffic signal and preemption device to serve the Fire & Rescue Station, but no details are provided regarding the location of this traffic signal, or the timing on which it will be delivered. The Applicant is also offering a \$150,000 cash contribution for the signal at the property entrance and Nokes Boulevard, which does not cover the full cost of the signal with preemption device. The Fire & Rescue Station will need traffic signals with preemption devices at both the entrance to the Property along Nokes Boulevard, and at the entrance to the Public Use Site at the Directional Median Break. The signals will need to be in place at the time the Station receives its occupancy permit. Therefore, the proffer should be revised to provide for both traffic signals, with preemption devices, to be installed by the Applicant in conjunction with the issuance of the occupancy permit for the Fire & Rescue Station, per VDOT review and approval. If the Applicant does not wish to install the two traffic signals, then the Applicant should provide a cash equivalent contribution to the County for the cost of each signal and preemption device, given to the County upon issuance of the zoning permit for the Fire & Rescue Station, so that the County may incorporate the signal construction with the construction of the Fire & Rescue Station.

Proffer V.F.3 – Please revise the proffer statement to provide that the Applicant shall submit the Road Maintenance Agreement to the County for review and approval prior to construction of the Fire & Rescue Site.

Proffer VI.A – My comment remains: “Please revise the proffer statement to provide for a capital facilities contribution of \$23,758 per market rate, multi-family unit upon the issuance of each zoning permit.” We need to highlight in the Staff Report that the Applicant is failing to provide the full capital facilities contribution per market rate unit as provided by the County’s BOS approved Capital Intensity Factor.

Proffer VI.B.2 – My comment remains: “Please revise the proffer statement to stipulate that all permanent water and sewer, and underground telephone, electric, gas, cable, broadband and telecommunication lines will be provided to the proffered Public Use Site, at no cost to the County, prior to dedication of the site to the County. The proffer statement needs to stipulate that the proffered Public Use Site will be excluded from any Owner’s Association.”

Proffer VI.B.3 – Please revise the proffer statement to eliminate any “Acceptable Uses” from this proffer. In the event the site cannot be developed as a Fire & Rescue Station, the County reserves the right to develop the parcel for any other public use allowable within the zoning district regulations of the parcel. As currently stated, the

ATTACHMENT 1-K

proffer statement only allows for the development of the Public Use Site as a Public Park in the event it is not developed as a Fire & Rescue Station. Please remove all references to specific public facilities the Public Use Site may be developed as. Development of the Public Use Site is at the County's discretion.

Other remaining comments:

Please revise the proffer statement to provide that all cash contributions provided in this proffer statement shall be adjusted annually by the Consumer Price Index (CPI-U) All Urban Consumers, Washington-DC-MD-VA-WV.

Please stipulate that all sidewalks and trails within the development will be maintained by the Owner's Association. The Owner's Association will also be responsible for the maintenance and landscaping of all common areas and open space, trash removal and recycling services, snow removal, and the maintenance of private roads.

Dan

Daniel Csizmar
Loudoun County Department of Construction and Waste Management
Capital Budget and Planning Division
211 Gibson Street, NW, MS#64
Leesburg, VA 20176
(703) 771-5997

A-96

**COUNTY OF LOUDOUN
PROFFER MATRIX TEAM**

MEMORANDUM

DATE: August 13, 2009

TO: Ginny Rowen, Project Manager

FROM: Proffer Matrix Referral Team

THROUGH: Daniel Csizmar, Capital Facilities Planner

SUBJECT: 3rd Proffer Referral Comments
(ZMAP-2002-0017, Parc Dulles II)

This memorandum is in response to your request for comments regarding the revised proffer statement submitted for ZMAP-2002-0017, Parc Dulles II. This referral represents the combined comments of all County Departments with capital facility planning responsibilities.

[Proffer I.A.1.a] Please revise the proffer statement to provide that the locations of the Affordable Dwelling Units (ADU) need to be dispersed throughout the market rate units on the property, and their location needs to be displayed on the record plat.

[Proffer I.B] Please revise the proffer statement to state, "The Property will be developed in accordance with the PD-CC (CC) Zoning District, pursuant to Section 4-200, and the R-24 Zoning District, pursuant to Section 3-700 of the Revised 1993 Loudoun County Zoning Ordinance and any subsequent amendments of the Zoning Ordinance."

[Proffer II] Please revise the proffer statement to eliminate the phrase "provided the County shall be responsible for extending the water and sewer lines for the Public Use Site" from this proffer. The County requires that all utilities be provided to proffered Public Use Sites. The provision requiring that the County pay for utility extensions to a proffered Public Use Site is not acceptable.

[Proffer III] Please revise the proffer statement to add the word "submission" to the end of the first sentence. Please consult with the County's Department of General Services regarding the types of Stormwater Management facilities to be developed on the property, and to be maintained by the County.

[Proffer V.A] Please provide a stipulation in the proffer statement that the Owner will devise a Road Maintenance Agreement for the continued maintenance of the private road providing access to the northern portion of the proposed Public Use Site. The Road Maintenance Agreement must provide that the County shall have no responsibility for the plowing, maintenance, replacement or construction of the road. The agreement must also ensure that the Owner provides maintenance for the road to support around the clock Fire & Rescue operations. The agreement shall require the Owner to respond immediately to any issues Emergency

Responders may have with the private roads leading into and out of the Station. Any private road providing access to a Public Use Site should be constructed to public road standards.

[Proffer V.B] Proffer 23.E of ZMAP-1990-0014, Dulles Town Center, provides for the construction of two lanes of Haleybird Drive from City Center Boulevard to Ridgetop Circle. This road segment has not been completed yet. ZMAP-1990-0014 is the only approved rezoning in the vicinity of this project that would have potentially dedicated the necessary right-of-way for this road segment. The current owners and successors to ZMAP-1990-0014 are responsible for the construction of this road. The primary owner/successor to ZMAP-1990-0014 also happens to be the Applicant of this rezoning application. Therefore, the Applicant is responsible for the construction of two lanes of Haleybird Drive from City Center Boulevard to Ridgetop Circle. The County has no responsibility to provide any of the off-site right-of-way necessary to complete Haleybird Drive to Ridgetop Circle.

Please revise the proffer statement to include the Owner will provide all necessary right-of-way and related easements outside of the right-of-way, such as slope, maintenance, storm drainage, and utility relocation easements, at no cost to the County, necessary to construct the extension of Haleybird Drive to its intersection with Ridgetop Circle. Prior to the issuance of the first occupancy permit for any residential unit on the property, the Owner shall construct a 2-lane section of Haleybird Drive from its current terminus within the Dulles Town Center property to its intersection with Ridgetop Circle.

In the event the Applicant wishes for the County to use Eminent Domain to acquire such necessary right-of-way and related easements outside of the right-of-way necessary to construct the extension of Haleybird Drive to its intersection with Ridgetop Circle, all such costs of eminent domain shall be borne by the Applicant.

[Proffer V.C] The cash contribution of \$337 per residential unit on the property will yield approximately \$149,965 in cash contributions towards the proposed traffic signal at the intersection of Nokes Boulevard and the entrance to the property. The cost of traffic signals generally exceeds \$150,000. Please consult with the Office of Transportation Services to increase the value of the per unit contribution to cover the estimated cost of the traffic signal at the entrance to the Property and Nokes Boulevard, and for a signal at the entrance to the Public Use Site at the proposed Directional Median Break for Emergency Vehicles along Nokes Boulevard as depicted on Sheet 4 of the CDP. The Applicant may also choose to proffer to construct and install traffic signals at the entrance to the Property and Nokes Boulevard, and at the entrance to the Public Use Site at the Directional Median Break, prior to the issuance of the 100th residential zoning permit on the property.

Please revise the proffer statement to provide that the traffic signal cash contributions may be used by the County for regional road, transportation, or transit improvements in the Sterling Planning Subarea of the County in the event the warrants for the traffic signals serving the Public Use Site are not met prior to the issuance of the 400th residential zoning permit.

Please revise the proffer statement to provide for an additional cash contribution to the County to cover the cost of traffic signal preemption devices required to serve the Public Use Site in the

event it is developed as a Fire & Rescue Station. The proposed traffic signals at the intersection of Nokes Boulevard and the entrance to the Property, and at the entrance to the Public Use Site at the Directional Median Break along Nokes Boulevard, will require traffic signal preemption devices. The need for traffic signal preemption devices will be determined by the County prior to Site Plan approval for the Fire & Rescue Station, at which point the Applicant shall provide all necessary traffic signal preemption devices to the County, or provide the County with a cash contribution to cover the cost of signal preemption devices required to serve the Fire & Rescue Station.

[Proffer VI.A] Please revise the proffer statement to provide for a capital facilities contribution of \$23,758 per market rate, multi-family unit upon the issuance of each zoning permit. Without knowing the exact amount of the capital facility credit for the proffered Public Use Site, if accepted by the Board of Supervisors, the capital facility contribution per each residential zoning permit issued is \$23,758 according to the County's updated Capital Intensity Factor.

[Proffer VI.B] Please revise the proffer statement to provide that the Owner shall provide all necessary utilities and roads to the Site as outlined below, within one year of the approval of this zoning map amendment application, ZMAP-2002-0017.

Please revise the proffer statement to stipulate that all permanent water and sewer, and underground telephone, electric, gas, cable, broadband and telecommunication lines will be provided to the proffered Public Use Site, at no cost to the County, prior to dedication of the site to the County. To ensure all public water and sewer are being provided to the site at no cost to the County, Staff requests that the Owner pay for all tap fees and hookup charge backs to access the public water and sewer systems at the Public Use Site. The proffer statement needs to stipulate that the proffered Public Use Site will be excluded from any Owner's Association.

Please revise the proffer statement to state that the Owner will construct all private roads required to access the Public Use Site, or provide a temporary access road to the Public Use Site, prior to issuance of the zoning permit for the public facility to be located at the Public Use Site.

The Owner must also bond for construction and construct all onsite roads and trails within the development as depicted in the CDP. Fulfillment of the proffers will be contingent upon the construction of all proffered roads and trails as depicted on the CDP.

Please be advised that the County's capital standard for a proffered Fire & Rescue Station is at least 5 acres. The proffered 3.3-acre Public Use Site does not fit the County's capital facility standards. The Owner is not eligible to receive an automatic capital facility credit for the dedication of this site. The Owner may obtain a capital facility credit for the dedication of this parcel only upon approval of the Loudoun County Board of Supervisors.

[Proffer VI.B.3] Please revise the proffer statement to eliminate any "Acceptable Uses" from this proffer. In the event the site cannot be developed as a Fire & Rescue Station, the County reserves the right to develop the parcel for any other public use allowable within the zoning district regulations of the parcel. As currently stated, the proffer statement only allows for the development of the Public Use Site as a Public Park or a Teen Center in the event it is not

developed as a Fire & Rescue Station. The County's Capital Improvement Plan (CIP) and Capital Needs Assessment do not provide for a Teen Center to be developed in the Sterling Planning Subarea. Therefore, a proffered site cannot be developed for a use that is not identified in the County's capital planning documents. Please remove all references to specific public facilities the Public Use Site may be developed as. Development of the Public Use Site is at the County's discretion.

The value of any on-site land dedication will be determined by an appraisal of the land using the procedures established under County policy for Proffer Land Value Credit Methodology. These procedures are available upon request from the project manager in the Planning Department. This appraisal determines the Capital Facility Credit provided to the Owner for the dedication of the site.

[Proffer VI.B.4] Please be advised that the public use site does not meet any of the County's capital facility standards, and is not eligible for an automatic capital facility credit. The Board of Supervisors must approve any capital facility credit for the site based upon the appraisal conducted by an approved appraiser.

[Proffer X] Please revise the proffer statement to provide that all cash contributions provided in this proffer statement shall be adjusted annually by the Consumer Price Index (CPI-U) All Urban Consumers, Washington-DC-MD-VA-WV.

[HOA] Please consult with the Office of the County Attorney regarding the process for including any housing units or commercial entities developed as part of ZMAP-2002-0017, Parc Dulles II, into the Owner's Association for Dulles Town Center.

Please stipulate that all sidewalks and trails within the development will be maintained by the Owner's Association. The Owner's Association will also be responsible for the maintenance and landscaping of all common areas and open space, trash removal and recycling services, snow removal, and the maintenance of private roads.

[Easements] Please include a provision in the proffer statement that the Applicant will not place any restrictive easements on the Public Use Site without the knowledge and consent of Loudoun County prior to dedication of the Public Use Site to the County.

If you have any questions concerning this correspondence, please call me at (703) 771-5997.